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U.S. POLICY TOWARD CHINA

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U.S. POLICY TOWARD CHINA

WEDNESDAY, FEBRUARY 7, 1990

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met at 10:02 a.m. in room SD-419, Dirksen Senate Office Building, Hon. Claiborne Pell [chairman of the committee] presiding.

Present: Senators Pell, Helms, Sanford, Biden, Pressler, Kassebaum, Kerry, and Sarbanes.

The CHAIRMAN. The Committee on Foreign Relations will come to order.

Today we are taking testimony from Deputy Secretary Lawrence Eagleburger on United States policy toward China. We look forward today to his assessment of current developments in that country. As we all know, he has participated in two special missions to China, one last July and another last December, that, according to news reports, were an effort to convey American concern for the brutal direction China has taken since June with the massacre of the democracy movement demonstrators in Tiananmen Square. This hearing will be the first time that we will have an accounting of these visits.

I have been very much concerned by the manner in which these visits took place and the lack of prior consultation. Whether intended or not, they seemed to send a signal to China that it was the United States that needed to untie the knot in our relations rather than the Chinese leader who so brutally ordered the suppression of democracy's children last June.

I firmly believe we should not isolate China. Indeed, we should isolate no country. Without continued dialog, we cannot hope to resolve difficulties. Clearly, as the President suggested, China is too vast and too important a nation to try to ignore. The choice for China is not just between isolation and normal relations. The choice is between good policy and poor policy. It is a good policy to make clear to China our interest in an improved human rights situation and the release of political prisoners in China and in Tibet, an end to martial law in Tibet, an end to Chinese support for the Khmer Rouge in Cambodia and in a Hong Kong which remains economically viable and politically free after 1997.

We cannot keep China forever isolated from economic currents, nor should we. It is in our interest to expose China to the fresh breeze of liberal economic winds now blowing throughout the world. To do that by continuing trade and aid on a business-as-usual basis or by attempting to structure economic relations in a manner that helps reinforce change is open to question. Recent improvements in South Africa may in fact be in part attributable to the economic sanctions we imposed.

I hope that in today's hearing the administration will begin forging a firm policy toward China that makes clear the United States remains on the side of democracy's advocates.

I would add to Mr. Eagleburger our apology. At 11:00 a.m. I have to manage the President's education bill on the floor, and I will be relieved here by one of my colleagues.

Senator Helms.

Senator HELMS. Mr. Chairman, thank you very much.

Good morning, Mr. Eagleburger, Larry.

Mr. Chairman, the distinguished witness before us this morning and I have discussed certain aspects of this whole matter, and as the saying goes, we have agreed to disagree agreeably. Nonetheless, I appreciate his coming, as I know you and Senator Sanford, and the other Senators here this morning, do.

Mr. Chairman, the blood, has dried on the stones and the pavement of Tiananmen Square. Maybe it has even been washed away. A group of Chinese students attending universities in my state wrote to me saying that the fresh-scrubbed look can be deceiving. As a matter of fact, let me quote them. "Although the situation looks stable, China is like a potential atomic bomb. It is possible to have an uprising at any time." We will discuss that as these proceedings go forward.

In any case, the Chinese Communist regime is still very nervous. They are an aging gangsters. Recent news reports talk of local people who stoned the automobiles of high officials, including Deng himself, and of an attempted assassination of the Chinese Communist secret police chief. Other reports discuss Communist officials sending their children abroad or investing in land in Northern Europe.

Back on December 10, General Scowcroft and Mr. Eagleburger had scarcely put down their champagne glasses, and their bags and left Beijing, when the Communist Chinese secret police did what? They seized Bishop Fan and spirited him away, destination unknown. Within days, 11 other bishops disappeared, hundreds of priests, ministers of the gospel, church administrators and other Christians likewise just vanished as if they never existed.

Apparently this regime had heard the news about how the churches of Eastern Europe, Catholic, Protestant and Jewish alike, have been the key to freedom for oppressed people. The Chinese Communists were not about to take any chances that the churches in China might remind the Chinese people about a few little things like human dignity and freedom.

So, these Christian leaders were spirited away to join some 10,000 others who have been arrested in Beijing since last June, held without trial or sentenced in secret trials. We know that some have been shot. Some have been swallowed up by the network of slave labor camps where the prisoners make goods that could end up right here in the American market.

Some have said that the top members of the regime are reformers and that we should be patient. Apparently, however, they have forgotten to reform themselves. To maintain themselves in power, the Chinese Communists have instituted an unprecedented system of repression. The report released today by Asia Watch entitled "Punishment Season, Human Rights in China after Marshal Law," is a terrible indictment of a brutal system. The State Department human rights report on Communist China, I am informed, is equally critical. Finally, the International League of Human Rights report also shows that oppression continues.

Nor should we forget that the Chinese Communist foreign policy is equally dangerous to liberty and justice throughout the world. They are blatantly supporting Iraq and Pakistan in their nuclear programs. They are selling ballistic missiles to Saudi Arabia, Syria, and Libya. Now we learn that they have just signed a 10-year military technology transfer agreement with Iran.

What is going to Iran from China? Nuclear weapons technology, ballistic missiles, ballistic missile technology? Who knows? Based on past history, I suppose we should suspect the worst.

The point I am getting to is that our foreign policy cannot be based on hope or pragmatic expediency. It must be based on principle. One of our principles in this country ought to be that we do not do business or hold hands with a regime that runs tanks over unarmed students because when we do that we abandon our principles. When we abandon our principles, we abandon the Chinese people. There are many evil regimes in this world today, but none more deserves to be overthrown by its people than the one in Beijing.

I know that our distinguished witness this morning, who is my friend, Deputy Secretary Larry Eagleburger, may look on these events with a slightly different perspective, and he will state his case eloquently, I am sure. As I said at the outset, he knows that we have this disagreement; but that does not, I want him to know, diminish my personal regard for him nor my interest in hearing his firsthand testimony.

I therefore join the Chairman and other Senators in welcoming you here this morning.

Thank you, Mr. Chairman.

The **CHAIRMAN**. Thank you very much.

Secretary Eagleburger.

STATEMENT OF LAWRENCE S. EAGLEBURGER, DEPUTY SECRETARY OF STATE

Mr. **EAGLEBURGER**. Thank you, Mr. Chairman and Senator Helms. I know that many of you and your colleagues in the Congress have serious concerns about the administration's actions toward China. I believe, however, that we have a strong case to make for the policy we are pursuing. I am here today to make that case to the best of my ability.

In the early 1970's China was still gripped by the repression of the cultural revolution. Yet, as the normalization process began, we Americans were charmed by ping pong diplomacy, panda bears and the exotic banquet cuisine of sea slugs and mao tai. Somehow the political repression of that time received scant attention here until the Chinese themselves did a critical assessment of Chairman Mao's rule.

The China of the 1980's, despite the appalling tragedy of Tiananmen Square, has come a long way from the era of the gang of four. China under Deng Xiaoping's modernization program opened itself to foreign news media, and it largely remains open today with some very important exceptions. It encouraged foreign investment and joint ventures and still does so today.

It sent tens of thousands of students abroad, and despite the events of last June they are still coming. Indeed, the children of senior Communist party leaders continue to work and study abroad, not in the countries of the East Bloc, if there still is an East Bloc, but in the United States, Western Europe, and Japan.

Yet, these changes in a country long isolated from world trends seem to escape our attention as we focus on the violence of last June. Today, in the eyes of many foreign observers China's leaders seem unable to do anything right, even as many of them seek to sustain key elements of Deng Xiaoping's modernization program.

As we reassess our China policy, we should keep in mind that the People's Republic of China has changed over the past two decades. We need a better balance between our fascination with the China of the early 1970's and today's mood of disappointment and hostility. Scholars of United States-China relations have long noted the pendulum swings in public attitudes toward China. The good China wartime ally has all too easily became the bad China of Red Guards and revolutionary repression. In the real world we need to see that China is less completely charming than the land of panda bears and the Great Wall and also less completely evil than a night in June when the goddess of democracy was crushed by tanks in Tiananmen.

Through five administrations representing both parties the United States has pursued a consistent set of policy objectives with regard to China. First, we have sought to nurture a strategic relationship with China aimed at drawing the Chinese out of their isolation and encouraging their cooperation on major international issues.

While initially China was clearly perceived as a counterbalance to Soviet expansionism, its strategic role has evolved over the years to encompass a number of global issues.

Second, we have sought to encourage China to use its influence in the East Asian region to reduce tensions and to promote stability. Here, too, there has been an evolution from our initial preoccupation with differences over Taiwan and the conflict in Vietnam to a broader range of regional concerns including our concern that there be peace in Cambodia and peace in Korea.

Third, we have sought to engage the Chinese in a wide variety of exchanges and other activities that will bolster political and economic reform and the promotion of human rights.

And, fourth, we have sought to increase economic and commercial relations with China so as to advance the movement toward a market-oriented economy. These objectives have guided U.S. policy for the past 20 years and will continue to do so for the foreseeable future.

Why? Because a secure, stable, modernizing and reforming China at peace with itself and with its neighbors is in America's best interests.

Much has been said and written about China's strategic value to the United States. There has been talk of the China card and the strategic triangle. Indeed, in the eyes of many China's value to the United States has been as a strategic counterweight to the Soviet Union. For some, therefore, a decline in United States-Soviet tensions apparently diminishes the importance of the relationship between the United States and the People's Republic of China, but that is emphatically not the view of this administration.

While United States-Soviet tensions may be declining, the strategic value of our relationship with China is not. In an earlier time both the United States and China were justifiably alarmed by the expansionist appetite of the Brezhnev regime. Quite naturally the United States and China found common cause in seeking to stem this adventurism. We readily found parallel interests in Cambodia, Afghanistan, the horn of Africa and elsewhere.

Today we cannot yet say that these regional crises have been fully resolved or that our parallel interests with China in resolving them have come to an end. At the same time, however, we all recognize that the dramatic reforms occurring in Eastern Europe and the Soviet Union have altered the strategic scene. But, such changes have not reduced the importance of China to the United States so much as they have transformed the way in which we must view the international significance of the PRC.

Yes, China remains relevant in resolving the conflicts left over from an earlier time of Soviet expansionism, but of even greater importance is the fact that, as the world's most populous nation, a country with great economic potential and the possessor of a significant military capability, China's participation is essential to coping successfully with a number of transnational issues. These include, among others, the proliferation of missiles and nuclear weapons, chemical weapons proliferation, and environmental pollution.

Thus, China's strategic significance needs to be seen not simply through the narrow prism of the Soviet factor, but on the far broader scale of its place in an increasingly polycentric world.

Even were we to decide that China's world role is not critical to global stability, it should be self-evident that the same could not be said about its impact on regional tranquility. Peaceful resolution of border disputes, restraint on the Korean peninsula, and political settlement in Cambodia, for example, are all matters of consequence for regional stability in Asia.

As our own web of relationships with the countries of Asia continues to grow, our stake in the peaceful development of that region is obvious. Neither we, nor our friends in the region wish to see an isolated China return to a spoiler role in Asia supporting subversive activities as it did in the 1950's and the 1960's.

This administration, therefore, believes that dialog with China on important regional issues is both desirable and inevitable.

Dialog with the Chinese is essential for other reasons as well. Since the beginning of our post-World War II relationship with China, we have witnessed substantial though not always steady progress in the material and spiritual well-being of the Chinese people. As the Chinese moved to put the excesses of the cultural revolution behind them in the late 1970's, political relaxation at home and the opening to the outside world gradually increased.

We and the Chinese agreed to normalize relations in December 1978, a watershed period in Chinese history. At the time, Deng Xiaoping redirected the path of China's modernization effort at the Third Plenum, a party meeting that charted a dramatically new course of economic and political reform.

The benefits of that new course soon spread throughout the country bringing freedom to publish, to speak, to travel, and to engage in private economic enterprise. The Chinese opened their universities, Chinese students came to our shores and American scholars traveled to theirs. Indeed, as a measure of the popular influence of these reforms, Deng Xiaoping became Time magazine's man of the year, not once, but twice.

One of the features of this period was the deliberate and painstaking effort by people in the United States and in China to create as broad and deep a set of institutional relationships between our two countries as possible. The impulse to building these relationships was the realization that historically the Chinese political process has performed unevenly. That is to say that China has been subject to episodic convulsions, that these convulsions have sometimes directed Chinese energies inward and sometimes outward and that there is no guarantee of consistency or evenness in our relations with the Chinese.

It was precisely with these considerations in mind that those who normalized United States-China relations sought to develop quickly as many relationships, economic, political, educational, cultural, scientific, athletic, and social as possible. Contacts and relationships such as these could only help promote reform within China and enhance respect for human rights. Such contacts and relationships could also help to shorten the periods of tension between China and the United States that experience suggested would likely occur from time to time.

Finally, since we have normalized relations with the Chinese, we have sought to expand our economic and commercial ties through trade and investment. United States-China trade has jumped from $2.3 billion in 1979 to approximately $18 billion in 1989, and United States investment in China has grown from virtually nothing in 1979 to $4 billion in 1989.

This United States support for economic development has greatly enhanced progress in the People's Republic of China toward market-oriented reforms. It is this set of objectives that has guided United States policy over the past two decades.

It was not always that way, however. Our opening to China in 1971 was preceded by the difficult experience of the 1950's and the 1960's when our policy of isolation and sanctions against China led to frequent confrontations, expensive defense precautions, periodic threats to regional stability and a notable absence in China of internal reform or respect for human rights.

Some of the very same voices now condemning us for seeking to maintain a relationship with the PRC were criticizing the United States 20 years ago for refusing to recognize the regime of Mao Zedong and for ignoring the Chinese people.

When we opened relations with China in 1971, it was not because of the promise of internal reform or positive external behavior by the Chinese. Rather, it was because of our own assessment that we could best pursue our national interests by beginning a dialog with them.

The same is true today and for the same reasons. A balanced step-by-step approach to China exercising a mix of incentives and constraints and avoiding the extremes of our policy of the 1950's and the 1960's has, I believe, well served U.S. objectives.

To be sure, problems have arisen along the way. The Chinese, a people who historically have harbored within themselves a struggle between international forces seeking contact with the outside world and nativist, xenophobic forces inclined toward isolationism have exhibited a strong tendency to take two steps forward and then one step back.

For example, in the 1970's we witnessed a backward plunge during the so-called anticonfucius campaign. The short-lived ascendancy of the gang of four and the closing of democracy wall. In the 1980's there were the campaigns against spiritual pollution and bourgeois liberalization and now far more seriously and far more visibly the brutal suppression of protest in Beijing.

Our effort always has been to try to shorten the time required for China to work its way through its internal crises. No matter how much the current critics of our policy may try to portray it otherwise, the issue has never been whether or how fervently we support reform and respect for human rights in China. Of course we support these objectives and with as much fervor as our critics.

Rather, the issue is how best to transform rhetoric into reality. Do we see to isolate China and cause it to turn inward or do we seek to facilitate its return to reform and openness by continuing to pursue the contacts and ties that encouraged such reform in the first place.

To President Bush the answer is clear. The very same framework we have used in managing our relations with China since 1971 is the one that continues to guide us today.

The terrible tragedy that occurred in China's capital city last June is fresh in all of our memories. The sight of millions of China's young, and not so young, in the streets of Beijing, and other major cities demonstrating peacefully for reform and democracy inspired all Americans and freedom-loving people everywhere.

The goddess of democracy moved us deeply, as did the heroism of the young man who confronted the column of tanks approaching Tiananmen Square. This made the tragic bloodshed of the government's assault vividly conveyed by television to the entire world, all the more immediate and all the more appalling to all of us.

This administration's opposition to the outbreak of violence in Beijing on June 3 and 4 was swift and firm. The President was the first major world leader to condemn the crackdown at Tiananmen, and promptly indicated that there would be no "business as usual" with the Chinese.

In speaking out against the violence directed toward peaceful demonstrators, the President stated that we stand with those who seek greater freedom and democracy. On June 5, the President ordered a suspension of all visits between military leaders of the two countries, and of Government sales and commercial exports of weapons.

In addition, the President announced that he would review sympathetically all requests by Chinese students in the United States to extend their stays. The President also offered humanitarian medical assistance through the Red Cross to the Chinese people, and ordered an interagency review of other aspects of the bilateral relationship in response to developments in China.

The President followed those measures with additional ones on June 20. At that time, he ordered the suspension of high-level exchanges of government officials with China, which promptly led to the cancellation of scheduled trips to Beijing by Commerce Secretary Mosbacher and Treasury Secretary Brady.

The administration also sought successfully to postpone consideration of all new loans to China by international financial institutions. Basically, these sanctions remain in place today, with only a few adjustments that have been made in support of United States interests.

Along with these sanctions, however, the President made clear that he did not want to take actions that would unnecessarily harm the Chinese people, actions that would only victimize the victims once again. He knew, for historical as well as practical reasons, that we had only limited leverage on the Chinese leadership.

The challenge was to make clear American revulsion at and condemnation of the bloodshed at Tiananmen, yet express it in a way that would maintain to the extent possible our ability to influence events within China and encourage a return to reform of the economy and the society.

The administration has therefore sought to demonstrate its repugnance for the actions taken by the Beijing government while preserving the framework of our relationship with the Chinese people, links wisely forged in the spirit of bipartisan consensus in the 1970's and the 1980's.

The secret trip that General Scowcroft and I made to Beijing last July was intended precisely to convey an undiluted message from the President to the Chinese leadership about America's horror over Tiananmen.

As we all know only too well, messages delivered below the level of the top leaders often get softened or altered on the way up the chain of command. Moreover, actions taken in the glare of publicity often engender public posturing in which saving face becomes more important than a sober consideration of the issues.

Accordingly, the President decided to send a quiet mission directly to China's leaders. Our purpose was to convey to the Chinese without ambiguity a clear sense of the reaction in this country, beginning with that of the President, to what had happened.

We firmly communicated that the United States does not condone the appalling violence used to suppress the peaceful demonstration, nor do we condone the repression that has followed.

I can tell you that our July visit was neither easy nor pleasant. I have heard some say that the first trip may have stiffened the spines of China's leaders and delayed the day of relaxation. I do not believe that. I believe that the first trip demonstrated the seriousness of American purpose, made clear the stakes involved in a worsening of our relations, and ultimately provided an incentive for a return to the path of reform.

A few months after the trip, the President had to decide whether to sign the Pelosi bill, a well intentioned and broadly supported legislative act that sought to provide iron-clad protections for Chinese students in this country from being forced to return to their homeland.

Obviously, the easy and popular choice for the President would have been to sign the bill into law, but there were other considerations. The President could take administrative action that would accomplish all of the objectives of the Pelosi bill, yet reduce the likelihood of retaliation by the Chinese against exchange programs with the United States. Accordingly, the President issued a directive that included the substantive measures in the Pelosi bill and more. Indeed, some of the protections under the President's directive, such as the authorization for employment in this country, are actually broader than those in the Pelosi bill.

The subsequent debate over whether to override the President's veto demonstrated that this was not a popular decision, to put it mildly. Yet the sustaining of that veto in the Senate should, I hope, assure us not only that the Chinese students and scholars in this country may remain here, but that the door will still be open for more to come. Thus, the process of exchange so vital to strengthening the forces of reform in China will, we hope, continue.

In December, the President decided that it was time for a bold move to try to begin a process leading to better conditions in China and better United States-China relations. Having heard over and over again that it was up to the United States to untie the knot in our relations, we noted that, after visits to China by former President Nixon and former Secretary of State Kissinger, China's spokesmen had begun to join us in talking of both sides taking steps to improve relations—a subtle but distinct signal.

The President decided to act. Again, he ordered Brent Scowcroft and me to be his special emissaries to the Chinese leadership. Again, our mission was to deliver an undiluted message of the need for China to take steps to improve our relations. We also briefed the Chinese on the Malta Summit in accordance with our general practice of consulting with them after our summits with the Soviets.

The President knew that he would be taking this action in the face of popular opposition and at substantial political risk, but it was a risk he was willing to take because of his experience over the years in dealing with China and the Chinese, because of his personal acquaintance with many of China's leaders, and because of his judgment that it just might begin a process which would lead to improvements in the lot of the Chinese people.

All the talk of clinking glasses, surprise announcements and warm toasts misses the point. The Chinese leadership needed to know how they could improve their relations with the United States, and we told them.

The first thing that needs to be said about assessing the results of that second trip is that it is far too early to come to conclusions. Again, the goal was not a specific result, but to give impetus to a process of interaction, where each side would address the other's concerns and establish the basis for resolving our differences.

That process has only just begun. Steps have been taken. They represent movement in a direction I believe most Americans recognize as favorable. Nonetheless, much more needs to be done.

In bilateral United States-China relations, Beijing has agreed to resume discussion on the Fulbright program of scholarly exchanges. Beijing has also agreed to receive Peace Corps volunteers for the first time. Even before Tiananmen, the agreement to receive those volunteers was a difficult and sensitive matter for the Chinese.

We see movement today as a symbolically important step to deepen relations at the grassroots level. Beijing has also accredited a resident correspondent from the Voice of America. You all know that United States reporters were expelled last year. This step to renew VOA's presence in Beijing is welcomed.

More broadly, China's foreign ministry spokesman issued a statement that China would not sell medium-range ballistic missiles to any Middle East countries, and denied plans that China would sell M-9 missiles to Syria.

This statement, and the related denial, went beyond previous Chinese pronouncements on the subject and addressed specific U.S. concerns. The Chinese statements are positive, but we will remain vigilant on the issue of missile sales, especially to unstable regions of the world.

Internally, too, there has been guarded, cautious, even grudging movement in a direction we see as right for the people of China, as well as right for U.S. interests. Early last month, China lifted the martial law regime imposed in Beijing last May. Many observers regard this action by the Chinese as cosmetic. We wish it had been far less ambiguous than it was, but it is, nonetheless, an achievement of some significance.

The process of reducing tensions has to begin somewhere, and I do not believe we should give the back of our hand to what was evidently a difficult Chinese decision to begin to respond to foreign and domestic calls for moderation. We should seek to build on it, to urge that it be made less cosmetic, and not reject it and risk providing a pretext for darker forces to block China's movement toward positive reform.

On January 18, Beijing took another step by releasing 573 detainees. We wish that detailed information about these cases had been provided for the world to examine, for it would have greatly increased the impact of this act of leniency.

Naturally, we will press for the fullest possible accounting of all those detained and sentenced since the Tiananmen events, and for further acts of leniency and amnesty by the authorities. Nevertheless, the act of releasing hundreds of people may be the beginning of efforts at reconciliation that are sorely needed in China today.

Subsequent to our second trip, the President also faced a series of decisions, some forced by legislative action, some by timetables for projects, and some by steps taken by the Chinese themselves. The United States has decided to respond in a carefully calibrated way designed to promote the process of change and reform.

There is still no "business as usual" with China, and our sanctions of last June essentially remain in place, but we have taken a series of steps to try to put relations back on a positive track and to try to prevent any further retrogression.

In December, for example, the President exercised his authority to permit the export of United States made Australian-owned satellites for launch on Chinese rockets. This benefits our ally, Australia. It demonstrates that we remain reliable suppliers, and it benefits our own manufacturers.

The President also invoked his authority to determine that it is in the national interest to maintain our modest Export-Import Bank programs with United States companies competing for business in China.

In response to the lifting of martial law in Beijing and to our own observation of the general security situation in China, the State Department has modified its travel advisory for Americans resident in and visiting China. The standing travel advisory is now approximately at the level of that prevailing prior to Tiananmen.

Finally, as I have noted, the President, along with leaders of other countries, had earlier moved to postpone consideration by international financial institutions of loans to China. As a result, neither the World Bank nor the Asian Development Bank have proposed any new loans to China between June and December 1989.

However, in light of our belief that we should avoid actions which harm the Chinese people, we have indicated that the United States would be prepared, on a case-by-case basis, to have the World Bank consider earthquake aid and other basic human needs loans to China. This is a humanitarian action which conforms with our human rights legislation. We still do not support a general resumption of World Bank lending.

Overall, I hope it can be said that the steep decline in United States-China relations has been arrested, and that there is movement in a positive direction.

Indeed, I would note that there has been more movement since our second trip to Beijing than during the first 6 months following Tiananmen.

The danger is that this incremental process will stall or that it will be set back. Since December, the Chinese have done things bilaterally and domestically that few in this country would agree are enough to restore our relations to what they were 1 year ago.

The administration knows that not enough has been done. What we have done is to initiate a process that we hope will lead to further meaningful actions by the Chinese to help improve relations. We never expected to reverse events overnight.

So, where do we go from here?

We shall not surrender our values. We shall seek to preserve the linkages that we have painstakingly forged with the Chinese over the past 20 years. We shall continue to encourage the flow of people, ideas, information, and commerce between our two nations—those activities that constitute the lifeblood of material progress and spiritual advance.

In our view, we need to keep faith with the people and the institutions of China that can move the society toward reform. Our efforts to maintain economic and commercial relations and to keep alive exchange programs are among the policy instruments at our disposal for keeping that faith.

In short, we seek to soften the blow to the Chinese people brought about by the crisis in China. We have tried to be as ready as we can for the day when it would be appropriate once again to normalize relations. We are convinced that this is the right course.

China is not a benighted society from top to bottom. Indeed, the forces favoring reform have not disappeared. We owe them an approach that strengthens their hand, not the hand of those who would welcome isolation.

Having acted to express the outrage of the American people and yet to soften the blow to the Chinese people, we must also pause to consider the limits of our ability to affect the course of events in China.

We need to remain cognizant of Chinese realities. China's traditions of centralized authority, hierarchy, antiindividualism, and life-and-death politics exist amid much greater poverty and backwardness than we have ever known.

To recognize this is not to say that we would accept less in the way of human dignity and freedom for the Chinese people than for ourselves. But experience suggests that we have to be patient while China finds its own path to a freer, more prosperous society.

Our ability to adhere to the course of improving relations is, obviously, not dependent on us alone. China bears its own responsibility for advancing the process. Greater relaxation and reform, long advocated by China's present leaders in other circumstances, need to be realized.

A China moving toward peace with itself is a China with which we can cooperate in peace.

Mr. Chairman, members of this committee, the policies pursued during the last two decades by five administrations, along with those of a sometimes daring Chinese leadership, have made an important difference to the Chinese people, and have helped to make the region and the world more stable.

There have been setbacks, some of them, as in the case of Tiananmen Square, tragic setbacks. There may be more setbacks in the decades ahead, but American policy should look forward, not backward. With steadiness of purpose, we must seek to build on the constructive ties we have developed with the Chinese and, thereby, encourage the ongoing process of reform and development.

Thank you.

[The prepared statement of Mr. Eagleburger follows:]

PREPARED STATEMENT OF LAWRENCE S. EAGLEBURGER

Mr. Chairman and Members of the Committee: I know that many of you and your colleagues in the Congress have serious concerns about the administration's actions toward China. I believe, however, that we have a strong case to make for the policy we are pursuing. I am here today to make that case to the best of my ability.

In the early 1970's, China was still gripped by the repression of the Cultural Revolution. Yet, as the normalization process began, we Americans were charmed by ping pong diplomacy, panda bears, and the exotic banquet cuisine of sea slugs and mao tai. Somehow, the political repression of that time received scant attention here—until the Chinese themselves made a critical assessment of Chairman Mao's rule.

The China of the 1980's—despite the appalling tragedy of Tiananmen Square—has come a long way from the era of the Gang of Four. China, under Deng Xiaoping's modernization program, opened itself to foreign news media—and it largely remains open today, with some important exceptions. It encouraged foreign investment and joint ventures—and still does so today. It sent tens of thousands of students abroad and, despite the events of last June, they are still coming. Indeed, the children of senior Communist Party leaders continue to work and study abroad—not in the countries of the East Bloc, but in the United States, Western Europe, and Japan.

Yet, these changes—in a country long isolated from world trends—seem to escape our attention as we focus on the violence of last June. Today, in the eyes of many foreign observers, China's leaders seem unable to do anything right, even as many of them seek to sustain key elements of Deng Xiaoping's modernization program.

As we reassess our China policy, we should keep in mind that the PRC has changed over the past two decades. We need a better balance between our fascination with the China of the early 1970's, and today's mood of disappointment and hostility. Scholars of United States-China relations have long noted the pendulum swings in public attitudes toward China: the "good China" wartime ally that all too easily became the "bad China" of Red Guards and revolutionary repression. In the real world, we need to see that China is less completely charming than the land of panda bears and the Great Wall, and also less completely evil than a night in June when the "Goddess of Democracy" was crushed by tanks in Tiananmen.

I. U.S. Interests and Policy Objectives

Through five administrations, representing both parties, the United States has pursued a consistent set of policy objectives with regard to China.

First, we have sought to nurture a strategic relationship with China aimed at drawing the Chinese out of their isolation and encouraging their cooperation on major international issues. While initially China was clearly perceived as a counterbalance to Soviet expansionism, its strategic role has evolved over the years to encompass a number of global issues.

Second, we have sought to encourage China to use its influence in the East Asian region to reduce tensions and to promote stability. Here, too, there has been an evolution from our initial preoccupation with differences over Taiwan and the conflict in Vietnam to a broader range of regional concerns including our concern that there be peace in Cambodia and in Korea.

Third, we have sought to engage the Chinese in a wide variety of exchanges and other activities that will bolster political and economic reform, and the promotion of human rights.

And fourth, we have sought to increase economic and commercial relations with China, so as to advance the movement toward a market-oriented economy.

These objectives have guided U.S. policy for the past twenty years, and will continue to do so for the foreseeable future. Why? Because a secure, stable, modernizing, and reforming China, at peace with itself and with its neighbors, is in America's best interests.

A. The Strategic Dimension

Much has been said and written about China's strategic value to the United States. There has been talk of "the China card" and the "strategic triangle." Indeed, in the eyes of many, China's value to the United States has been as a strategic counterweight to the Soviet Union. For some, therefore, a decline in United States-Soviet tensions apparently diminishes the importance of the relationship between the United States and the People's Republic of China.

But that is emphatically not the view of this administration. While United States-Soviet tensions may be declining, the strategic value of our relationship with China is not. In an earlier time, both the United States and China were justifiably alarmed by the expansionist appetite of the Brezhnev regime. Quite naturally, the United States and China found common cause in seeking to stem this adventurism. We readily found parallel interests in Cambodia, Afghanistan, the Horn of Africa, and elsewhere.

Today, we cannot yet say that those regional crises have been fully resolved, or that our parallel interests with China in resolving them have come to an end. At the same time, however, we all recognize that the dramatic reforms occurring in Eastern Europe and the Soviet Union have altered the strategic scene. But such changes have not reduced the importance of China to the United States so much as they have transformed the way in which we must view the international significance of the PRC.

Yes, China remains relevant in resolving the conflicts left over from an earlier time of Soviet expansionism. But of even greater importance is the fact that, as the world's most populous nation, a country with great economic potential, and the possessor of a significant military capability, China's participation is essential to coping successfully with a number of transnational issues. These include, among others, the proliferation of missiles and nuclear weapons, chemical weapons proliferation, and environmental pollution. Thus, China's strategic significance needs to be seen not simply through the narrow prism of the Soviet factor, but on the far broader scale of its place in an increasingly polycentric world.

B. The Regional Dimension

Even were we to decide that China's world role is not critical to global stability, it should be self-evident that the same could not be said about its impact on regional tranquility. Peaceful resolution of border disputes, restraint on the Korean peninsula, and political settlement in Cambodia, for example, are all matters of consequence for regional stability in Asia. As our own web of relationships with the countries of Asia continues to grow, our stake in the peaceful development of that region is obvious. Neither we nor our friends in the region wish to see an isolated China return to a "spoiler role" in Asia, supporting subversive activities as it did in the 1950's and 1960's. this administration therefore believes that dialogue with China on important regional issues is both desirable and inevitable.

C. Internal Reform and Respect for Human Rights

Dialog with the Chinese is essential for other reasons as well. Since the beginning of our post-World War II relationship with China, we have witnessed substantial, though not always steady, progress in the material and spiritual well-being of the Chinese people. As the Chinese moved to put the excesses of the Cultural Revolution behind them in the late 1970's, political relaxation at home and the opening to the outside world gradually increased.

We and the Chinese agreed to normalize relations in December 1978, a watershed period in Chinese history. At the time, Deng Xiaoping redirected the path of China's modernization effort at the "Third Plenum," a party meeting that charted a dramatically new course of economic and political reform. The benefits of that new course soon spread throughout the country, bringing freedom to publish, to speak, to travel, and to engage in private economic enterprise. The Chinese opened their universities, Chinese students came to our shores, and American scholars traveled to theirs. Indeed, as a measure of the popular influence of these reforms, Deng Xiaoping became magazine's Man of the Year—not once, but twice.

One of the features of this period was the deliberate and painstaking effort by people in the United States and in China to create as broad and deep a set of institutional relationships between our two countries as possible. The impulse to building these relationships was the realization that historically the Chinese political process has performed unevenly. That is to say that China has been subject to episodic convulsions, that these convulsions have sometimes directed Chinese energies inward and sometimes outward, and that there is no guarantee of consistency or evenness in our relations with the Chinese.

It was precisely with these considerations in mind that those who normalized United States-China relations sought to develop quickly as many relationships—economic, political, educational, scientific, cultural, athletic, and social—as possible. Contacts and relationships such as these could only help promote reform within China and enhance respect for human rights. Such contacts and relationships could also help to shorten the periods of tension between China and the United States that experience suggested would likely occur from time to time.

D. Economic and Commercial Ties

Finally, since we have normalized relations with the Chinese, we have sought to expand our economic and commercial ties through trade and investment. United States-China trade has jumped from $2.3 billion in 1979 to approximately $18 billion in 1989. And U.S. investment in China has grown from virtually nothing in 1979 to $4 billion in 1989. This U.S. support for economic development has greatly enhanced progress in the PRC toward market-oriented reforms.

II. THE CONSTANCY OF U.S. EFFORTS TO ACHIEVE OUR POLICY OBJECTIVES

It is this set of objectives that has guided U.S. policy over the past two decades. It was not always that way, however. Our opening to China in 1971 was preceded by the difficult experience of the 1950's and 1960's, when our policy of isolation and sanctions against China led to frequent confrontations, expensive defense precautions, periodic threats to regional stability, and a notable absence in China of internal reform or respect for human rights. Some of the very same voices now condemning us for seeking to maintain a relationship with the PRC were criticizing the United States 20 years ago for refusing to recognize the regime of Mao Zedong and for ignoring the Chinese people.

When we opened relations with China in 1971, it was not because of the promise of internal reform or positive external behavior by the Chinese. Rather, it was because of our own assessment that we could best pursue our national interests by beginning a dialogue with them.

The same is true today, and for the same reasons. A balanced, step-by-step approach to China, exercising a mix of incentives and constraints, and avoiding the extremes of our policy of the 1950's and 1960's, has well served U.S. objectives.

To be sure, problems have arisen along the way. The Chinese—a people who historically have harbored within themselves a struggle between internationalist forces seeking contact with the outside world and nativist, xenophobic forces inclined toward isolationism—have exhibited a strong tendency to take two steps forward and then one step back. For example, in the 1970's, we witnessed a backward plunge during the so-called anti-Confucius campaign, the short-lived ascendancy of the Gang of Four, and the closing of Democracy Wall. In the 1980's, there were the campaigns against "spiritual pollution" and "bourgeois liberalization," and now, far more seriously and far more visibly—the brutal suppression of protest in Beijing.

Our effort—always—has been to try to shorten the time required for China to work its way through its internal crises. No matter how much the current critics of our policy may try to portray it otherwise, the issue has never been whether or how fervently we support reform and respect for human rights in China. Of course we support those objectives, and with as much fervor as our critics. Rather, the issue is how best to transform rhetoric into reality. Do we seek to isolate China and cause it to turn inward, or do we seek to facilitate its return to reform and openness by continuing to pursue the contacts and ties that encouraged such reform in the first place? To President Bush the answer is clear. The very same framework we have used in managing our relations with China since 1971 is the one that continues to guide us today.

III. The U.S. Response to Tiananmen

The terrible tragedy that occurred in China's capital city last June is fresh in all our memories. The sight of millions of China's young and not so young in the streets of Beijing and other major cities demonstrating peacefully for reform and democracy inspired all Americans and freedom loving people everywhere. The "Goddess of Democracy" moved us deeply, as did the heroism of the young man who confronted the column of tanks approaching Tiananmen Square. This made the tragic bloodshed of the government's assault—vividly conveyed by television to the entire world—all the more immediate and appalling to us.

This administration's opposition to the outbreak of violence in Beijing on June 3 and 4 was swift and firm. The President was the first major world leader to condemn the crackdown at Tiananmen, and promptly indicated that there would be no "business as usual" with the Chinese. In speaking out against the violence directed toward peaceful demonstrators, the President stated that we stand with those who seek greater freedom and democracy.

On June 5, the President ordered a suspension of all visits between military leaders of the two countries, and of government sales and commercial exports of weapons. In addition, the President announced that he would review sympathetically all requests by Chinese students in the United States to extend their stays. The President also offered humanitarian and medical assistance through the Red Cross to the Chinese people, and ordered an inter-agency review of other aspects of the bilateral relationship in response to developments in China.

The President followed those measures with additional ones on June 20. At that time, he ordered the suspension of high-level exchanges of government officials with China, which promptly led to the cancellation of scheduled trips to Beijing by Commerce Secretary Mosbacher and Treasury Secretary Brady. the administration also sought successfully to postpone consideration of all new loans to China by international financial institutions.

Basically, these sanctions remain in place today, with only a few adjustments that have been made in support of U.S. interests. Along with these sanctions, however, the President made clear that he did not want to take actions that would unnecessarily harm the Chinese people—actions that would only victimize the victims once again. He knew, for historical as well as practical reasons, that we had only limited leverage on the Chinese leadership. The challenge was to make clear American revulsion at and condemnation of the bloodshed at Tiananmen, yet express it in a way that would maintain, to the extent possible, our ability to influence events within China and encourage a return to reform of the economy and society. The administration has therefore sought to demonstrate its repugnance for the actions taken by the Beijing government, while preserving the framework of our relationship with the Chinese people—links wisely forged in a spirit of bipartisan consensus in the 1970's and 1980's.

IV. THE FIRST TRIP TO BEIJING

The secret trip that General Scowcroft and I made to Beijing last July was intended precisely to convey an undiluted message from the President to the Chinese leadership about America's horror over Tiananmen. As we all know only too well, messages delivered below the level of the top leaders often get softened or altered on the way up the chain of command. Moreover, actions taken in the glare of publicity often engender public posturing, in which saving "face" becomes more important than a sober consideration of the issues.

Accordingly, the President decided to send a quiet mission directly to China's leaders. Our purpose was to convey to the Chinese, without ambiguity, a clear sense of the reaction in this country, beginning with that of the President, to what had happened. We firmly communicated that the United States does not condone the appalling violence used to suppress the peaceful demonstrations nor do we condone the repression that has followed. I can tell you that our July visit was neither easy nor pleasant.

I have heard some say that the first trip may have stiffened the spines of China's leaders and delayed the day of relaxation. I do not believe that. I believe that the first trip demonstrated the seriousness of American purpose, made clear the stakes involved in a worsening of our relations, and, ultimately, provided an incentive for a return to the path of reform.

A few months after the trip, the President had to decide whether to sign the Pelosi bill, a well intentioned and broadly supported legislative act that sought to provide ironclad protections for Chinese students in this country from being forced to 'return to their homeland. Obviously, the easy and popular choice for the President would have been to sign the bill into law.

But there were other considerations. The President could take administrative action that would accomplish all of the objectives of the Pelosi bill, yet reduce the likelihood of retaliation by the Chinese against exchange programs with the United States.

Accordingy, the President issued a directive that included the substantive measures in the Pelosi bill—and more. Indeed, some of the protections under the President's directive, such as the authorization for employment in this country, are actually broader than those in the Pelosi bill.

The subsequent debate over whether to override the President's veto demonstrated that this was not a popular decision. Yet, the sustaining of that veto in the Senate should assure us not only that the Chinese students and scholars in this country may remain here, but that the door will still be open for more to come. Thus, the process of exchange so vital to strengthening the forces of reform in China will continue.

V. THE SECOND TRIP TO BEIJING

In December, the President decided that it was time for a bold move to try to begin a process leading to better conditions in China and better United States-China relations. Having heard over and over again that it was up to the United States to "untie the knot" in our relations, we noted that, after visits to China by former President Nixon and former Secretary of State Kissinger, China's spokesmen had begun to join us in talking of sides taking steps to improve relations, a subtle but distinct signal.

A. Our Message to the Chinese

The President decided to act. Again, he ordered Brent Scowcroft and me to be his special emissaries to the Chinese leadership. Again, our mission was to deliver an undiluted message of the need for China to take steps to improve our relations. We also briefed the Chinese on the Malta Summit, in accordance with our general practice of consulting with them after our summits with the Soviets.

The President knew that he would be taking this action in the face of popular opposition and at substantial political risk. But it was a risk he was willing to take because of his experience over the years in dealing with China and the Chinese, because of his personal acquaintance with many of China's leaders, and because of his judgment that it just might begin a process which would lead to improvements in the lot of the Chinese people. All the talk of clinking glasses, surprise announcements, and warm toasts misses the point. The Chinese leadership needed to know how they could improve their relations with the United States, and we told them.

B. The Results

The first thing that needs to be said about assessing the results of that second trip is that it is far too early to come to conclusions. Again, the goal was not a specific result, but to give impetus to a process of interaction, where each side would address the other's concerns and establish the basis for resolving our differences. That process has only just begun.

Steps have been taken. They represent movement in a direction I believe most Americans recognize as favorable. Nonetheless, much more needs to be done.

In bilateral United States-China relations, Beijing has agreed to resume discussions on the Fulbright program of scholarly exchanges. Beijing has also agreed to receive Peace Corps volunteers for the first time. Even before Tiananmen, the agreement to receive those volunteers was a difficult and sensitive matter for the Chinese. We see movement today as a symbolically important step to deepen relations at the grass roots level.

Beijing has also accredited a resident correspondent from the Voice of America. You all know that U.S. reporters were expelled last year. This step to renew VOA's presence in Beijing is welcome.

More broadly, China's foreign ministry spokesman issued a statement that China would not sell medium-range ballistic missiles to any Middle East countries, and denied reports that China would sell M-9 missiles to Syria. This statement, and the related denial, went beyond previous Chinese pronouncements on the subject and addressed specific U.S. concerns. The Chinese statements are' positive, but we will remain vigilant on the issue of missile sales, especially to unstable regions of the world.

Internally, too, there has been guarded, cautious, even grudging movement in a direction we see as right for the people of China, as well as right for U.S. interests. Early last month, China lifted the martial law regime imposed in Beijing last May. Many observers regard this action by the Chinese as "cosmetic." We wish it had been far less ambiguous than it was. But it is, nonetheless, an achievement of some significance. The process of reducing tensions has to begin somewhere, and I do not believe we should give the back of our hand to what was evidently a difficult Chinese decision to begin to respond to foreign and domestic calls for moderation. We should seek to build on it, to urge that it be made less "cosmetic;" and not reject it and risk providing a pretext for darker forces to block China's movement toward positive reforms.

On January 18, Beijing took another step by releasing 573 detainees. We wish that detailed information about these cases had been provided for the world to examine, for it would have greatly increased the impact of this act of leniency. Naturally, we will press for the fullest possible accounting of all those detained and sentenced since the Tiananmen events, and for further acts of leniency and amnesty by the authorities. Nevertheless, the act of releasing hundreds of people may be the beginning of efforts at reconciliation that are sorely needed in China today.

C. U.S. Moves

Subsequent to our second trip, the President also faced a series of decisions—some forced by legislative action, some by timetables for projects, and some by the steps taken by the Chinese themselves. The United States has decided to respond in a carefully calibrated way designed to promote the process of change and reform. There is still no "business as usual" with China, and our sanctions of last June essentially remain in place. But we have taken a series of steps to try to put relations back on a positive track, and to try to prevent any further retrogression.

In December, for example, the President exercised his authority to permit the export of United States-made, Australian-owned satellites for launch on Chinese rockets. This benefits our ally Australia, it demonstrates that we remain reliable suppliers, and it benefits our own manufacturers.

The President also invoked his authority to determine that it is in the national interest to maintain our modest Export-Import bank programs with U.S. companies competing for business in China.

In response to the lifting of martial law in Beijing and to our own observation of the general security situation in China, the State Department has modified its travel advisory for Americans resident in and visiting China. The standing travel advisory is now approximately at the level of that prevailing prior to Tiananmen.

Finally, as I have noted, the President, along with leaders of other countries, had earlier moved to postpone consideration by international financial institutions of loans to China. As a result, neither the World Bank nor the Asian Development Bank had proposed any new loans to China between June and December 1989. However, in light of our belief that we should avoid actions which harm the Chinese people, we have indicated that the United States would be prepared, on a case-by-case basis, to have the World Bank consider earthquake aid and other basic-human-needs loans to China. This is a humanitarian action, which conforms with our human rights legislation. We still do not support a general resumption of World Bank lending.

Overall, I hope it can be said that the steep decline in United States-China relations has been arrested, and that there is movement in a positive direction. Indeed, I would note that there has been more movement since our second trip to Beijing than during the first six months following Tiananmen.

The danger is that this incremental process will stall or that it will be set back. Since December, the Chinese have done things, bilaterally and domestically, that few in this country would agree are enough to restore our relations to what they were a year ago. the administration knows that not enough has been done. What we have done is to initiate a process that we hope will lead to further meaningful actions by the Chinese to help improve relations. We never expected to reverse events overnight.

VI. THE FUTURE OF THE RELATIONSHIP

So where do we go from here?

We shall not surrender our values. We shall seek to preserve the linkages that we have painstakingly forged with the Chinese over the past 20 years. We shall continue to encourage the flow of people, ideas, information, and commerce between our two nations—those activities that constitute the lifeblood of material progress and spiritual advance. In our view, we need to keep faith with the people and the institutions of China that can move its society toward reform. Our efforts to maintain economic and commercial relations, and to keep alive exchange programs, are among the policy instruments at our disposal for keeping that faith.

In short, we seek to soften the blow to the Chinese people brought about by the crisis in China. We have tried to be as ready as we can for the day when it would be appropriate once again to normalize relations. We are convinced that this is the right course. China is not a benighted society from top to bottom. Indeed, the forces favoring reform have not disappeared. We owe them an approach that strengthens their hand, not the hand of those who would welcome isolation.

Having acted to express the outrage of the American people and yet to soften the blow to the Chinese people, we must also pause to consider the limits of our ability to affect the course of events in China. We need to remain cognizant of Chinese realities. China's traditions of centralized authority, hierarchy, antiindividualism, and life-and-death politics exist amid much greater poverty and backwardness than we have ever known. To recognize this is not to say that we would accept less in the way of human dignity and freedom for the Chinese people than for ourselves. But experience suggests that we have to be patient while China finds its own path to a freer, more prosperous society.

Our ability to adhere to the course of improving relations is, obviously, not dependent on us alone. China bears its own responsibility for advancing the process. Greater relaxation and reform, long advocated by China's present leaders in other circumstances, need to be realized. A China moving toward peace with itself is a China with which we can cooperate in peace.

Mr. Chairman, Members of this Committee, the policies pursued during the last two decades by five administrations, along with those of a sometimes daring Chinese leadership, have made an important difference to the Chinese people, and have helped to make the region and the world more stable. There have been setbacks—some of them, as in the case of Tiananmen Square, tragic setbacks. There may be more setbacks in the decades ahead. But American policy should look forward, not backward. With steadiness of purpose, we must seek to build on the constructive ties we have developed with the Chinese and, thereby, encourage the ongoing process of reform and development.

Thank you.

The CHAIRMAN. Thank you very much, Mr. Eagleburger.

As I said earlier, I apologize, I have a commitment on the floor which takes precedence over a committee commitment.

I would like to ask you your reaction as to what is happening in Tibet. Do you feel that the martial law is going to be ended there? Was that discussed in your meetings?

Mr. EAGLEBURGER. Mr. Chairman, I do not see any reason to believe that martial law will in fact be lifted in Tibet. The situation, in my judgment, continues as it has for some time. It is unsatisfactory in our judgment, and we have made that clear to the Chinese government on more than one occasion.

But I do not think you should expect any real changes.

The CHAIRMAN. Could you be more specific about how you have made it known that it is an unsatisfactory situation?

Mr. EAGLEBURGER. Well, one of the problems I am going to have today is getting too specific about what we have said on the Scowcroft and Eagleburger mission. But let me say it was discussed in the first mission. It was discussed, although less extensively, in the second.

And on more than one occasion Ambassador Lilley has raised the issue. It has been raised at a number of levels within the U.S. Government with the Chinese, including I think on more than one occasion by Mr. Solomon.

The CHAIRMAN. I am very glad to hear that.

In addition to that, as you know, there has been some abuse of the Catholic Church. A good many Catholic bishops and priests have been reportedly arrested, actually during the time of one of your visits there.

Have you sought a list of those who were arrested? What are we doing about trying to secure their release?

Mr. EAGLEBURGER. We have, I think, our own list, which we think is reasonably accurate. We have, again, indicated to the Chinese authorities on more than one occasion our dislike and antagonism toward the steps that have been taken there.

We have made it clear to the Chinese that freedom of religion is a tenet that we hold dear and we believe others should as well.

We have, on the other hand, I must say, Mr. Chairman, had to make it clear to the Chinese that the fundamental issue is one they are going to have to resolve between the Vatican and themselves, but our position has been very clear that we object to and abhor what has gone on with regard to these Christian leaders.

The CHAIRMAN. Thank you.

And also on your trip to China, how many people did you take with you on your first trip and your second trip?

Mr. EAGLEBURGER. On the first trip, General Scowcroft, myself, and a secretary and an NSC official. There were four of us.

The CHAIRMAN. That probably accounts for the remarkable way you were able to keep it secret, which is unusual in this town.

Mr. EAGLEBURGER. Well, it kept secret for a while, but——

The CHAIRMAN. How many people were on the second expedition?

Mr. EAGLEBURGER. Five, two secretaries, General Scowcroft myself, and again the same NSC official, I think. No—then there was—Chase Untermeyer was one. There were five or six of us.

The CHAIRMAN. And the crew of the planes in each case?

Mr. EAGLEBURGER. Plus the crew of the planes, yes. Or at least I hope the crew of the plane. [Laughter.]

The CHAIRMAN. Finally, I would hope that the administration would work with us in a positive manner as we try to develop our legislation on aid to Eastern Europe. This is a matter that should not be a partisan matter. It concerns all of us. And I see it falling into a partisan framework, and I hope it does not.

And I hope we can count on the administration to help us and we could draft a common bill, if possible. And I hope you share that same thought.

Mr. EAGLEBURGER. I certainly share the view that it should not be a partisan issue. The administration will be submitting to the Congress today, I think, a bill of its own on that subject.

The CHAIRMAN. I would hope that we would work together on that.

Thank you very much.

I now recognize the ranking minority member.

Senator HELMS. Mr. Chairman, before you leave and before my time begins to tick, let me do a little housekeeping. I ask unanimous consent that the record of this hearing be printed so that it may be made available to the public.

The CHAIRMAN. Without objection.

Senator HELMS. I ask unanimous consent that the hearing record be kept open until the State Department Human Rights Report is made public so that it can be made a part of this record.

The CHAIRMAN. Well, when will that human rights report be made public?

Mr. EAGLEBURGER. The 21st of February, I think.

Senator HELMS. There will be no problem keeping the record open, I just want that to be a part of the record.

The CHAIRMAN. No objection.

Senator HELMS. And finally, I ask unanimous consent that the following human rights reports be made a part of this hearing record: No. 1, the Asia Watch Report on China; No. 2, the International League for Human Rights January 1990 Report on China; No. 3, a report from Chinese students in North Carolina; No. 4, a report by Harry Wu of the Hoover Institution on forced labor; and No. 5, a report by the Hon. Martin Lee on Hong Kong.

The CHAIRMAN. And I would add any other reports, such as the Physicians for Human Rights, and others that members may want. Without objection.

Senator HELMS. I thank the chair.

Now, Mr. Eagleburger, let me begin by saying that I hope that never in foreign policy or domestic policy or any other policy will we decide that it is the course of wisdom to rise above principle.

And while you were making your eloquent speech, I found, as I followed you in the text, that it was so similar to a speech to the House of Commons by a man some years ago named Chamberlain.

He came back talking about peace in our time, and how we could get along with that fellow over there in Germany. And had it not been for a guy who later became prominent, he might have gotten by with it. But he did not.

Let me direct your attention, sir, to the 1990 State Department Human Rights Report, to which I have just alluded.

In particular, section 6(c) which covers forced labor.

And I will say to my colleague from North Carolina, Mr. Sanford, that I have pretty good information that we are importing a substantial amount of textiles manufactured with and by slave labor in China.

In any case, Mr. Eagleburger, you will note that the third sentence indicates that Chinese slave labor camps have to turn a profit. And you will also note that the report indicates that essentially all labor in Communist China is compulsory.

So, having said that, let me ask two or three questions.

Can you tell the committee approximately how many people are now in detention in Communist China?

Mr. EAGLEBURGER. No, sir, I cannot. But I will try to get it for you for the record.

[The information referred to follows:]

Question. How many people remain in detention in China? Provide a breakdown between prison camps and labor camps.

Answer. The Chinese Government does not release such statistics. Information on the criminal justice system in general is fragmentary and of certain reliability.

There are four distinct categories of incarceration in China. Regular courts, which generally try only felony cases, can sentences offenders either to regular prisons or to "reform through labor" camps for terms up to life (or to death). In addition, police magistrates can confine those guilty of misdemeanors to either local detention centers (similar to county jails) or "education through labor" camps for periods ranging up to 3 years.

We estimate that the courts approximately 300,000 persons a year, almost all are sent to prison or labor reform camp. About 700,000 a year are sent to labor education camps or detention centers.

No reliable figures are available for any individual category. Official media in October 1989 reported a total of 1 million in labor reform and labor education camps. From other official data, we estimate a total of about 1 million in labor reform camps and prisons, and about the same number in labor education camps and detention centers, at any given time. Perhaps a few hundred thousand others are detained pending trial. Our best guess is that a total of somewhat over 2 million persons is divided roughly equally among the four categories of incarceration.

Senator HELMS. Please include both prison camps and labor camps.

Can you now provide the committee with whatever materials that the authors of this section based their conclusion that such labor camps must be profitable?

Mr. EAGLEBURGER. Since I do not know the answer to the question, I will certainly do my best, Senator. I do not know what they drew it from.

Senator HELMS. That is all I can ask. I can ask no more than that. But if you will let us know in writing.

Now, I have got a couple of charts that I want you to look at.

The first one that I want to put up is a chart outlining the American law prohibiting the importation of forced labor goods. Can you put that one up?

I do this just to impress it upon myself as much as anybody else. "All goods, wares, articles and merchandise mined, produced, or manufactured wholly or in part, in any foreign country by convict labor or forced labor and/or indentured labor under penal sanction, shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited." [19 USC 1307]

Now, Mr. Chairman, at this point——

Senator **Biden** [presiding]. You have got my attention.

Senator **Helms**. Considering the serious charge made in the State Department Human Rights Report, I have this morning asked the General Accounting Office to begin an investigation to see which goods from Communist China, if any, should be banned under United States law.

Now I will go back to the point made there, Mr. Secretary. Considering what is said in your own report, should not all Communist Chinese goods be banned?

Mr. **Eagleburger**. The only way I can answer the question is, Chinese goods produced in contravention of that piece of legislation clearly should. I cannot argue, at this point—I could not possibly concede to you that everything exported from China to the United States is produced by convict labor. I need to study the report which—and frankly getting into the details of it before it becomes public on the February 21 is a little awkward.

Senator **Helms**. I do not mean to do that, because I know you have to go back and talk to your lawyers or talk to the experts.

Mr. **Eagleburger**. Let me say, if it is in violation of that law, clearly we should enforce the law. There is no argument about that.

Senator **Helms**. Amen, brother.

Your own report, I would emphasize, says that essentially all labor in Communist China is compulsory.

Now, the next chart lists the major human rights violations. There are two charts.

One of these, as you see, lists major human rights violations, reasons why the United States should not associate itself with an unsavory regime. The second shows five areas where the Chinese Communists are acting directly against American foreign policy interests. In the interest of time we should look first at the two areas, one foreign and one domestic.

Before I get to those questions, and assuming I am going have time, I want to second the motion on what Chairman Pell said about Tibet. All of us have met with the Dalai Lama, and all of us are appalled at what is going on there.

Maybe you do not want to discuss it publicly, what you said specifically on one or both of the visits to Beijing, but I hope you will be able to tell me that you laid the wood to them, because this is a distressing, dismaying thing.

The first item on the list, the military technology transfer agreement is between Iran and Communist China. Have you personally examined this agreement to see whether it provides for nuclear weapons or ballistic missiles, or ballistic missile technology, to be transferred to Iran?

Mr. **Eagleburger**. Senator, you have got me in an awkward spot, because we have unconfirmed reports of such an agreement. I have not seen anything specifically confirming that there is an agreement, and to go into any more detail on that, I would have to ask you to go into executive session. But we have unconfirmed reports.

Senator **Helms**. I understand.

Senator **Biden**. Maybe at the conclusion of the opening round we should go into executive session. I would like to know the answer to that question.

Senator **Helms**. Very well. The second question, and this may fall under the same category, according to Radio Tehran, the military technology transfer agreement was signed on January 21, 1990, roughly 6 weeks after your last trip to Beijing. Did you attempt to convince the Chinese regime to stop arms sales to the Middle East at all? Did the subject come up?

Mr. **Eagleburger**. The subject of medium-range ballistic missiles came up in some detail in our discussions. That is the subject we specifically——

Senator **Helms**. We must discuss in executive session?

Mr. **Eagleburger**. I can tell you we discussed that subject and medium-range missiles with the Chinese when we were there. Aside from that, in an open session I cannot go any further.

Senator **Helms**. Well, I see my time is up. I also see, I think, that the questions that you and I and others want to ask have to be asked in executive session.

Senator **Biden**. Well, speaking only for myself, there are two follow-ons of questions you have asked that I would like to ask. There will be plenty of questions to ask in open session.

I would respectfully suggest that we move forward in open session with those questions we can ask in open session, rather than retreat to a closed session and then come back out. At the conclusion of the questions that can be asked in open session, we could move to a closed session and follow through on the questions you have, and I suspect some of the rest of us have.

Mr. **Eagleburger**. Also, Mr. Chairman, we would be glad to submit responses in writing in more detail on these questions that are classified.

Senator **Biden**. That would be appreciated.

Let me begin this a slightly different way, because I am having difficulty understanding the fundamental rationale for the administration's actions, notwithstanding the fact that I have the highest regard for you.

I truly mean it—I think you are one of the most qualified persons to serve State Department in the 17 years I have been here, so I have no argument with your capability. I do have—maybe I do not even have an argument with your rationale. I am not sure I understand it, though. Let me go through it as I see it.

You suggest—I am paraphrasing—that it is somewhat unusual that the criticism now is coming from those who criticized the failure of past administrations to recognize the Mao government, and now it is coming from those same people.

There are a number of us who do not want to end the relationship with China. But we want the United States to forcefully recognize and speak out about the atrocities that are going on. So, I think there is a distinction.

I would suspect those who want us to eliminate any relationship with China, are the same ones who did not want us—like Senator Helms and others—to recognize Mao.

There are those who just are worried about speaking out, and part of it, Mr. Secretary, is the language and rhetoric that the administration has used that sort of sends messages, at least to this Senator's ears, that are different than what appear to be the firmly stated principals as to why the administration moved to restore our ties with China. Let me go through a couple of them.

You said, and I will not reference each page, but you said that how they could improve their relationship with us was a question you raised in your opening statement.

You said, "the process of reducing tensions should begin somewhere." You said we want to, "put relations back on a positive track." You said also that, "the steep decline in United States-Chinese relations has been arrested;" "the danger is that it will stall or be set back."

Now, all of those things, from my perspective, put us in an unusual position. China was the country that did the bad thing that caused the relationship to be abruptly, if only temporarily, altered. China has done nothing different than they were doing prior to that action of any consequence relative to us, and yet we seem to think that we are obligated to get the relationship going again.

It is a little bit like if I go home and my wife hits me on the head with a baseball bat, and I get on the train the next morning and say, "The relationship is stalled. What can we do to get it started again?"

Well, usually what gets it started again is for me to go home that night and for my wife to say, "I am really sorry." I did not know what I was doing, instead of me going home with roses and saying, honey, let us get this relationship going again.

I am being a bit facetious, but that really is why I think you are having so much trouble with the public, Mr. Secretary. You keep talking about this stalled relationship that we have to get back on track, and what "getting back on track" means is making sure we do not offend the Chinese, we do not make them angry with regard to the Chinese student policy, we do not make them angry because we know when we do certain things they will get their back up.

Which leads me to the question. You say on page 4 of your statement, "Much has been said and written about China's strategic value to the United States. There has been talk of the China card and the strategic triangle. Indeed, in the eyes of many, China's value to the United States has been as a strategic counterweight to the Soviet Union."

Then you go on to suggest that is not why you are doing what you are doing, that China has other value. Now, obviously, China has other value, but I cannot see why—given that we did not stall the relationship—are now overwhelmingly concerned that it will be stalled unless we do something.

That seems to me that the basis of your concern here is still the China card. Does the China card play any part in your policy, or not? Does it play any role in the fervor on the part of the administration to make sure that United States-Chinese relationships are normalized as best and as quickly as possible?

Mr. EAGLEBURGER. You mean in terms of the relationship with the Soviet Union?

Senator BIDEN. Yes.

Mr. EAGLEBURGER. It is marginal. It is not by any means at the head of the list. I suppose it is still marginally important, but the changes in the Soviet Union and Eastern Europe are so fundamental, as I tried to indicate in my statement, it is not by any means a dominant or controlling factor as it would have been a decade ago. Can I go on a little bit?

Senator **Biden**. Please do.

Mr. **Eagleburger**. Let me try to answer the question.

Senator **Biden**. By the way, let me add one thing, because my time may run out in the meantime. You point out on page 16, "We also briefed the Chinese on the Malta Summit in accordance with our general practice of consulting with them after summits with the Soviets."

I assume the reason to brief them, just as we briefed our NATO allies, is because of the marginal part which the China card relative to the Soviets is still an important factor?

Mr. **Eagleburger**. It goes beyond that, Senator, in the sense that with the Chinese, as with the Japanese, as with the NATO allies, obviously they are interested in the development of the relationship between East and West, between the United States and the Soviet Union.

It is in part, again I suppose, China card, but far more than that, it is China, as a major player on the world scene, we believe ought to hear from us as should the Japanese and others, our view of the Malta Summit, not just because of the Soviet factor, but because they are a major world power.

Senator **Biden**. You know so much about Europe, you are so experienced relative to Europe—I am not suggesting you are not with regard to China—you must be as concerned as all of us up here. I have now met, in my capacity as Chairman of the European Affairs Subcommittee, every Eastern European leader or delegation that has come through Washington, and they are all saying the same thing—everyone.

They are saying, "We better hurry up and get either Soviet troops out of our country or whatever change they are seeking quickly, because we are worried about Gorbachev and whether he can last, and we are worried further that things may unravel as we try to put together democracies in these countries, ours as well as what is happening in the Soviet Union."

Now, the counterweight to that is we in the United States have been saying, "I wonder when Gorbachev and the Soviets will crack down, not going to crack down," and then we conclude that they are and now we are wondering to what extent they will crack down relative to the republics in the Soviet Union.

What kind of message do you think, Mr. Secretary, it sends to the Soviet leadership in terms of what latitude they think they have, in terms of their ability to maintain a relationship with the United States, the one that they have now, if they see what we did with the Chinese?

The Chinese brutally suppressed a nascent effort at any kind of democratic reform. Do you think that the conservatives in Moscow are saying to Gorbachev, "Look, do not worry. If you are worried about the impact on perestroika and glasnost, and our ability to deal with the West—do you think maybe some of them are sitting there saying look, do not worry about it. Look what they did with regard to China. You will get a brief rebuff, and then it will be business as usual." Do you think that plays any part?

Mr. **Eagleburger**. Since I cannot accept the original premise that this was a brief rebuff and then business as usual, then it follows logically——

Senator **Biden**. That they would do relatively what they did to China; however you want to characterize it.

Mr. **Eagleburger**. On the basis of conversations I know the Secretary of State has had with Mr. Shevardnadze, I think the Soviets are in no doubt whatsoever about United States actions in the face of actions by the Soviets such as you have described, and I do not think the visits to China or United States policy toward China will have changed one iota the Soviet judgment of how we would react to the circumstances you describe in the Soviet Union, no.

Senator **Biden**. I do not think they will as long as he is in control, but I would not discount the prospect of next year the Soviet troops already in Latvia storming and crushing the democratic movement there, and I cannot believe that that discussion will not be, "Let us see if the United States does not go any further with us than they did with the Chinese."

Mr. **Eagleburger**. I am back to my point that I think I have a different view of what we have done with regard to China which I tried to lay out in the statement in terms of the number of very tough steps we have taken with the Chinese with which they are as unhappy as they can be, including the fact that there are no military sales and a whole list of other things that still stand in the way of an improved relationship.

Senator **Biden**. My time is up. Let me just conclude by suggesting the following. If the Soviets take action similar to what occurred in Tiananmen Square and if our response is the same as that to Tiananmen Square, I assure you that you will inherit a whirlwind in this country. It will be a whirlwind. It will make what happened in Tiananmen Square and the reaction to the President's action seem like an exercise in diplomacy. I fear it a great deal.

My time is up.

Mr. **Eagleburger**. One comment. I do not think that anyone should draw the conclusion that United States policy with regard to China after Tiananmen Square applies in any other case. This is all China specific. I tried to indicate in my statement that there is a long and tortured history of our relationship with the Chinese and that this is the policy that the President has adopted with regard to China, whether we agree or disagree on its being too soft or not soft enough or too hard or whatever.

I think you should not make an assumption that that approach to the Chinese issue necessarily would be followed by this administration in other different cases.

Senator **Biden**. I sincerely hope the Russian hardliners believe that.

Senator **Kerry**. Mr. Chairman, before you let up, I do not think Mr. Eagleburger got a chance to answer the first part of your question, which I was sort of interested in hearing. You wanted an answer, I thought, and I thought it was important.

Senator **Biden**. I am sorry. Please continue. I did not mean to cut you off.

Mr. **Eagleburger**. I will try to do it briefly, but it is fundamentally what I have tried to say in the statement.

Senator, first of all I do not think that what I said or, more importantly, that this administration's policy with regard to the PRC, is a question of our searching for ways in which we can undo what I am prepared to concede and agreed with you on; namely, to undo the difficulties in the relationship that have occurred because of Chinese actions. do not argue at all tlhat it is in fact what the Chinese did that has led to the situation we now face.

Senator **Biden**. They did not send a delegation to us.

Mr. **Eagleburger**. Let me finish. It will take me just another minute.

The fact of the matter is that it was the President's judgment and one with which I thoroughly agree that it was important to tell the Chinese leadership with the doors closed how seriously we took the events at Tiananmen Square and that, in fact, the relationship between us was not going to go anywhere as long as the situation remained the status quo.

The second trip was in fact taken because we thought we saw a desire on the part of the Chinese regime itself to begin to take steps to return us to a different relationship. We can argue over the degree to which these are important. I would argue that releasing detainees and ending martial law and the other steps that the Chinese have taken are at least an earnest, to some degree, desire on the part of Beijing to begin to change the relationship and to begin to undo the steps that they took at the time of Tiananmen Square.

The fundamental point on the part of this administration and one on which there will be substantial disagreement is our deep belief that in the last analysis steps taken by us that lead to the isolation of China simply play into the hands of the wrong people in Beijing who would like nothing more than to see China isolated from the rest of the world and that in the last analysis it is the Chinese people who will pay for that policy. What we are trying to do, therefore, is in fact aimed at trying to over the long run improve the lot of the Chinese people themselves.

Senator **Biden**. Thank you very much.

Senator Kassebaum.

Senator **Kassebaum**. Secretary Eagleburger, I first would like to say I think that your statement was an exceptionally forthright, indepth and important statement regarding United States-China relations. I note that it reflects President Bush's keen interest in China, his understanding of China and the importance which he attaches to the evolution of this relationship.

I think your statement that this discussion we just had regarding an isolated China turned to a spoiler role is something that is important to realize and that we must bed cognizant of that.

On the other hand, I think many of us question some of the implementation. I really wondered if we needed to start out with such a high level delegation which went to China. I know the answer to that is that the Chinese would not really pay much attention to a lower level presentation of our views and our concerns. You said so in your statement. Once that high level visit took place, however, there was nowhere else to go. I think that is a concern. That has been done.

What concerns me now is really how we understand what is happening and where we go from here. It was disturbing to me to see in the paper this morning that Beijing has said that, as a matter of fact, they will restrict Chinese students coming here for an additional 5 years in which they have to work after university graduation.

One of the things that was an impressive argument for me in the last vote on whether to sustain the President's veto of the Pelosi bill was that if we did not sustain that veto the door was going to be slammed on Chinese students coming to this country. Do you have any insight on why this has happened?

Mr. EAGLEBURGER. I think first, Senator, you should not take that newspaper story as absolute confirmation that this is what is going to happen. I checked into it this morning. We have heard reports of this kind before. We continue to hear them. I am not saying that it is untrue. I am simply saying we do not at this stage know whether that is in fact what the Chinese government is going to do or not. Point one.

Second, if they do it, as far as I am concerned it is a serious step backward. We were arguing at the time of Pelosi and I think we would continue to argue now that in fact if the veto had not been sustained the door would be totally slammed. Even if the article that we saw today proves to be correct, the door is not totallly slammed shut but there is certainly only a narrow crack left open. We sincerely hope that is not the way in which the Chinese government will react.

The fundamental point continues to be, however, that we believe that the kinds of actions that permit students to come to the United States, and that permit the Peace Corps to open up in China, are the kinds of contacts and activities which over the long term will change the character of the Chinese society, at least to the extent of our ability to influence the changing character. I will concede to you that that is precisely why some in the People's Republic of China would love to see these programs close down.

I cannot promise you that what we saw in the paper today does not prove to be in fact correct. I can only tell you at this point that we are not sure.

Senator KASSEBAUM. When you say it would be a serious step backward, do we have the ability to really monitor what is going on? How much communication do we have as far as their response to an inquiry from us asking, indeed, what this policy reflects?

Mr. EAGLEBURGER. There are two ways to answer the question. First of all, I think we will know if in fact they implement such a policy. That will be very clear before too long.

With regard to the question of our letting the Chinese know that we do not think that is the way in which to proceed, they already know that. That is not to say we cannot say it again, but they clearly know our view on this subject.

Senator KASSEBAUM. I would like to move on to the discussions you had in the meetings regarding human rights. Were these, again, pretty frank discussions, as much as they could be? Did you feel comfortable with the responses you were getting as far as their sensitivity to outside concerns?

Mr. **Eagleburger**. Senator, I have a lot of trouble getting very specific about those kinds of conversations, but let me try to make a generalization and a distinction between the first trip and the second.

Let me make the point partly in response to your earlier remark with regard to the high level of the delegation. Brent Scowcroft's participation in this first trip was clearly because of the President's desire for the Chinese to understand that this was the President talking, that this was not filtered through some other institutional relationship, that it was the President who was saying these things. Brent, I think, clearly was the man who could most clearly state that this was the President.

My participation may or may not have assisted in making that clear. I do not know. I would like to think that I was, shall we say, frank.

The point again is in regard to the first visit and the talks there, I am comfortable that we made ourselves clear. I can only say that the response was inscrutable. They understood us. There was no real reaction other than you tied the knot, you have to untie the knot, that sort of line.

The second time around the atmosphere was quite different. There was a much better give and take back and forth between us. Again, I think we were clear. I really cannot go beyond this, but I can say that during the second visit there were clearly on the Chinese side expressions of an understanding that they heard us. Again, I cannot say that they said mea culpa or anything of that sort, but it was a better give and take. The first time around they listened, they did not really react.

Senator **Kassebaum**. I would like to move on to China and the relationship to Cambodia. You touched on that in your discussion of regional interests. Of course, Chinese supply arms to the Khmer Rougel Was this part of your discussion?

Mr. **Eagleburger**. We discussed that issue briefly, but there have been a number of other places and times in which that issue has been very much the focus of discussion, including the meeting between Secretary Baker and the Chinese foreign minister in December, I think it was.

Again, there is no question that this subject and our view of the Chinese relationship to the Khmer Rouge and to a Cambodian settlement have been discussed with the Chinese on a number of occasions, very often by the Secretary of State. As you know, they agreed to join in the PERM-5 discussions. They have agreed to support the concept of the U.N. becoming involved in the Cambodian settlement. They know where we stand on the subject very clearly.

Senator **Kassebaum**. Has there been any appreciable decrease in arms supplies going to the Khmer Rouge that we have been able to monitor?

Mr. **Eagleburger**. I cannot answer the question. I do not know whether there has been a decrease or not, but I know there clearly are at least nuanced changes in the PRC's attitude with regard to a Cambodia settlement, not the least of which, as I said, is joining in the PERM-5 and in their shift with regard to the U.N. becoming involved in the transition to a new government.

I do not know whether they reduced arms supplies or not. I can check it and let you know.

[The information referred to follows:]

Question. Was the issue of Chinese support for the Khmer Rouge raised during the two secret trips by the President's emissaries to China?

Answer. As Deputy Secretary Eagleburger indicated during his testimony before both the Senate Foreign Relations Committee and the House Committee on Foreign Affairs February 7-8, Cambodia was discussed during the trips. Mr. Eagleburger also indicated, however, that he would be constrained from providing specific detail on the discussions. We refer you to his testimony for specific characterizations of the issues during the two trips. We also note that, as a matter of practice, we do not disclose the specific details of private diplomatic discussions.

Question. Over the past 6 months, has there been any appreciable decrease in Chinese arms supplies to the Khmer Rouge?

Answer. We believe the quantity to the Khmer Rouge has not changed significantly in recent months.

The Chinese have said that they will cease their aid to the Khmer Rouge, as well as to the non-Communist factions, when the Vietnamese troops withdrawal has been independently verified, when all other external assistance to the Cambodian factions ceases, and when a comprehensive settlement is in place.

Senator KASSEBAUM. I can appreciate that. It may be difficult to establish, but I just feel so strongly about this. It seems to me this is a very important time to be very forceful in that message.

Has there been an agreed upon date for further talks under U.N. sponsorship?

Mr. EAGLEBURGER. I do not know. Well, there is a meeting early next week Mr. Solomon tells me.

Senator KASSEBAUM. Of the group?

Mr. SOLOMON. Discussing with U.N. officials the evolution of this plan.

Senator KASSEBAUM. Thank you very much.

Senator BIDEN. Senator Sarbanes.

Senator SARBANES. Thank you, Mr. Chairman.

Mr. Secretary, I want to diverge for a moment and ask you a question. You are the Deputy Secretary of State and, therefore, responsible for much of the administration in the Department, and you are also a career Foreign Service person.

On occasions do we not have a problem with our ambassadors reflecting a case of clientitis in which they become so close to the country to which they have been accredited that in effect they start speaking for the country instead of speaking for the United States? Have we not had that on occasion?

Mr. EAGLEBURGER. Yes, sir, we certainly have. I have been accused of it myself on occasion.

Senator SARBANES. It occurs to me that the President might well be accused of that in this instance with respect to China, and I notice that in your statement you make reference to his experience over the years in dealing with China and his personal acquaintances. Of course, he was our representative there in the very early days.

It seems to me at least that he reflects the very problem that we worry about afflicting our ambassadors from time to time.

Let me ask you this question. On June 5, after the brutal massacre in Tienanmen Square, the President took certain steps. He then followed those measures with additional ones on June 20. Now, why was that?

Mr. **Eagleburger**. You mean why the two stages?

Senator **Sarbanes**. Yes; Why the additional measures on June 20?

Mr. **Eagleburger**. I would have to go back and reconstruct, Senator, but my recollection of that is that there was some examination of other steps that could be taken. There was discussion within the departments and the bureaucracy. These were additional steps that were recommended to him that he took. I do not think there is anything more to it than that.

Senator **Sarbanes**. Was there not an outcry that the initial steps on June 5 were very inadequate, that they did not constitute a sufficient response by the United States to what had occurred? The President felt, I think, some need to respond to the outcry coming from the Congress and the American people, and therefore took additional measures?

Mr. **Eagleburger**. There certainly was an outcry, Senator. I recall and I indicated in my statement here that the President had said he wanted an interdepartmental study of other steps that might be taken. My recollection is that it was not as a consequence of the outcry, but rather as a consequence of the further study that was done that these were the steps recommended to him.

Senator **Sarbanes**. Now, one of the additional measures he took on June 20 was to order the suspension of high level exchanges of government officials with China, is that correct?

Mr. **Eagleburger**. Yes; sir.

Senator **Sarbanes**. And you said that order promptly led to the cancellation of scheduled trips to Beijing by Commerce Secretary Mosbacher and Treasury Secretary Brady. When did you and Scowcroft go to Beijing the first time?

Mr. Eagleburger: July 14. I do not remember the exact date, but it was in July, I think. The July 4th weekend.

Senator **Sarbanes**. July 4th weekend? That date was not a symbolic gesture about holding certain truths to be self-evident, was it, on your part?

Mr. **Eagleburger**. I wish I had just said early July, Senator. But anyway, no, it was not.

Senator **Sarbanes**. When did the July 4th trip begin to be planned?

Mr. **Eagleburger**. I would guess the middle of the preceding week, a few days before that, not many days before.

Senator **Sarbanes**. So, within a week after ordering additional measures, including the suspension of high-level exchanges, the administration undertook a high-level exchange, is that correct?

Mr. **Eagleburger**. I will make a semantic distinction which is important to us, although it may not be as important to you, between exchanges and contacts. The point was that the President was getting at with regard to the pending of exchange was, for example, a Commerce Secretary going to visit Beijing. A return visit by his, vis-a-vis coming here, that this was a different issue. Not exchanges, but a contact.

But nevertheless, to make your point, the President decided to send us, despite his general decision that there should be no further exchanges with the Chinese.

Senator **Sarbanes**. And that was a secret visit, obviously.

Mr. **Eagleburger**. Yes; sir.

Senator **Sarbanes**. Would you say that if the visit has been public knowledge everyone would have perceived it as a contradiction of the suspension of the high level exchanges?

Mr. **Eagleburger**. I do not know the answer to that, Senator. I think if it had been explained at the time, it would have been viewed differently.

Senator **Sarbanes**. Well, I will state for the record that I think it would have been regarded by virtually everyone as being in contradiction of the undertaking barely 10 days earlier not to have high-level visits.

Now, I take it you are telling us you and General Scowcroft expressed U.S. concerns in very explicit terms?

Mr. **Eagleburger**. Yes; sir.

Senator **Sarbanes**. Is it correct that the Chinese government proceeded to detain or arrest thousands of people after your first visit? You made the visit. You came back. Then, I assume, you looked to see what was happening. What was happening?

My understanding is—and let me just lay it out for you—that the government detained or arrested more than 10,000 people, harshly imprisoned more than 800 persons for counterrevolutionary crimes, some for 10 years or more. In some instances they were punished simply for putting up posters calling for a political reform. And in all over 1,000 students and workers were slain since the visit and countless hundreds of others fled into hiding or exile.

When you came back and looked at what was going on, did you not see the repression continue?

Mr. **Eagleburger**. Yes; sir, it did.

Senator **Sarbanes**. How long were you there on that visit?

Mr. **Eagleburger**. About 24 hours. Again, it—yes, about 24 hours.

Senator **Sarbanes**. On the second visit, were you present when General Scowcroft made the toast that attracted so much attention?

Mr. **Eagleburger**. Yes; sir, I was there.

Senator **Sarbanes**. Is it correct that he said, "In both our societies there are voices of those who seek to redirect or frustrate our cooperation. We both must take bold measures to overcome these negative forces?"

Senator **Biden**. If the Senator would excuse me for this brief interruption, there is a vote on. I would prefer if he continues his questioning until the halftime as some of us will leave and go vote so that when we get back, there will not be an interruption in the questioning.

Senator **Sarbanes**. Well, I will adjourn the meeting on the next bell.

Were you there when that was made?

Mr. **Eagleburger**. Yes; I was.

Senator **Sarbanes**. What are the negative forces in this country to which General Scowcroft was referring?

Mr. **Eagleburger**. As best I can describe it to you, Senator, they fit into two categories, I suppose: Those who first of all have never believed that there should have been an opening to China and believe this is confirmation of that fact, and those who look upon the relationship between the PRC and the United States as wholly dependent—and I emphasize the word wholly dependent—upon their human rights performance1

The point that General Scowcroft is trying to make—and I would say that he had made some other statements in that same toast that were fairly clear criticisms of the Chinese which have not been covered as well—but nevertheless the point I think which the General is trying to make is that in this country there are those who would like to see the relationship, the improvement of the relationship frustrated either because they have never believed we should have a relationship with the PRC or because given what had happened in Tiananmen Square, that was in and of itself sufficient cause to break off the relationship.

Senator **Sarbanes**. When you and General Scowcroft talked to the Chinese, did you say to them that you were upset at what they had done? Or did you say that you really had to bring them a message that the American people and the Congress were upset and, speaking as friend to friend, you wanted them to know that they needed to do something to address the attitude of the American people, the Congress, and others, but that the administration certainly still wished to maintain a close and cordial relationship with the Chinese leadership?

Mr. **Eagleburger**. As I said in the statement, Senator, first and foremost—and this is the first trip now—we went there to tell them of the President's horror and dislike for the events in Tiananmen Square. We made it clear, speaking for the President, that he was personally appalled.

We went on to make it clear that the American people and the Congress were also appalled. There was no speaking as a friend, "We would love to continue the relationship if you people would only understand that we are good guys, but the rest of the people—the rest of the people of the United States are bad buys." There was none of that.

Senator **Sarbanes**. Well, I am struck by this schizophrenic attitude on the part of the administration. The news reports today said that Secretary Baker warned the countries of Eastern Europe not to deviate from the path of democratic reform which they are courageously pursuing at great cost. And yet the administration has resisted a comparable message to the Chinese.

Let me ask you this question. Would the administration react if there were a massacre either in Red Square or in one of the Eastern European countries comparable to what took place in Tiananmen Square? Would your reaction be the same?

Mr. **Eagleburger**. Senator, I cannot possibly predict how the President would react under those circumstances.

Senator **Sarbanes**. But in an earlier question you said that this response to China was country-specific, and I want to find out why. Why are you laying down, in effect, a double standard?

Mr. **Eagleburger**. First of all, I do not think we are laying down a double standard. What I am trying to say to you is that situations in individual countries will require individual reactions country by country. I do not think that means we are laying down a double standard.

The point I was making with regard to the reaction to Tiananmen Square is that you should not assume how that issue was handled anything with regard to similar circumstances in other countries. That the reason we dealt with the Chinese situation the way we did was because it is, in fact, China, because there is a long history of disagreement within the Chinese body politic itself as to whether they should isolate themselves from the rest of the world, whether they should open up to the rest of the world.

There is a long history of debate within the Chinese body politic itself on whether economic and political reform is a good or a bad thing.

We tried to tailor the way in which we told the Chinese of our horror about events in China to the specific circumstances of China.

Senator SARBANES. Were you involved in the decision that the trip should be made, or did you rather receive an instruction to make the trip?

Mr. EAGLEBURGER. I was the recipient of an instruction to make the trip.

Senator SARBANES. On both occasions?

Mr. EAGLEBURGER. Yes; I mean—let me say, if I had said I really do not think I ought to go, I do not think they would have sent me. But I was instructed to go, and I went, but I do not, sir, want for 1 minute that statement of a fact to in any way indicate that I was anything other than ready to go and that it was a wise thing to do.

Senator SARBANES. Was the decision made in the White House solely and not in the Department?

Mr. EAGLEBURGER. There were discussions, I am sure, between the President and the Secretary of State on this subject, but the decision was the President's.

Senator SARBANES. The Secretary was aware of the trip, the first trip?

Mr. EAGLEBURGER. Yes; sir.

Senator SARBANES. At the time?

Mr. EAGLEBURGER. Yes; sir.

Senator SARBANES. Mr. Secretary, I am going to have to put this meeting in a recess. There is a vote on, and the time is just about expired. Members of the committee will be coming back from the vote, so if you could just stand by, we will resume the hearing shortly.

The committee will stand in recess.

[A brief recess was taken.]

Senator MURKOWSKI. We have concurrence to proceed, and Mr. Eagleburger, I, along with my colleagues, welcome you. One may gather from some of the discussion that you have more or less done what you were told to do in the manner in which you went over with General Scowcroft and coming back and reporting to us the results of those two meetings.

I am curious about a couple of things, however. When we initiate new loans through the Ex-Im, what consideration are we asking on the part of the Chinese to give the blessing from the State Department to go ahead and reopen Ex-Im loans. What is it tied to?

Mr. **Eagleburger**. It is tied to U.S. export opportunities, Senator. There is no specific request from the Chinese for anything. Let me try to explain what we have done on that.

Senator **Murkowski**. Well, the narrow point I am getting at is, since we are opening it up now for the benefit of our own export, that is a plus for us, but it is also an opportunity to ask the Chinese for something, because we have the choice of keeping it closed, which hurts our exports. I am just questioning whether there are any strings, or leverage that we attempted to use in opening it up.

Mr. **Eagleburger**. No, because in the first place we are keeping it at a very low and reduced level, and against two considerations. Ex-Im will only grant loans or financing commitments where project decisions are imminent and where U.S. business would lose out if Ex-Im support were not forthcoming.

That second one is critical, because it is in our judgment a sale we would not be able to make unless the Export-Import Bank was prepared to support it. Under those circumstances, we have believed that it was in U.S. business interest to proceed, and we have limited it to those considerations.

Senator **Murkowski**. I am interested in the rationale that I find myself defending as one who supported the President on sustaining the—what is it?—the Pelosi—my Polish is not so good today—the Pelosi amendment, and the impression that is left with the Chinese students.

Obviously, I assume if the administration had the sequence to do over again and the time it would alert members, who are going home on recess and making commitments and meeting the Chinese students, that we were in a catch-22.

I am going to go home and meet with Chinese students at the University of Alaska in Fairbanks and Anchorage and Alaska Pacific University. They will say: "Senator, we just do not understand how you could take a position to support, to mandate in the law the protections that are so significant, and then have the President come down and indicate, under his executive authority, the nonnecessity of having this embodied in law. How can you support the President, in conflict with your assurances to us that initially you would support us?"

Now, while we have the assurance of the attorney general, we still do not have it embodied in law, and we are fearful that policies will change, or fearful that we will have to go back or just disappointed that somehow we were lied to and the trust has been broken. I am just wondering what you would say to them.

Mr. **Eagleburger**. I would say several things. First of all, what the President did took care of what the Pelosi bill would have done, and as I tried to indicate, went further in some regards than the Pelosi bill did in the first place. Second, I have no doubt in my mind——

Senator **Murkowski**. When you say further, you're referring to taking in all Chinese aliens into the United States?

Mr. **Eagleburger**. It has to do with employment opportunities. There is a whole series of things that the President's decision did with regard to employment opportunities while they were here.

They did not have to return if there was a fear of abortion. There is a whole list of these things that were included.

So, I would argue that the executive action in fact went further than the Pelosi bill, but that is not, I think, fundamental. What is fundamental is, I do not see any reason that anyone should believe that the President, by his own actions, is going to force Chinese students back to China under any circumstance that I can conceive of now. As long as conditions remain as they are in China, the President's action I think will stand.

But there is another point, and I have to be careful how I say it, not because of the audience here, but because of audiences in places like Beijing, but let me try to say it as generally as I can.

If you agree with me that it is important that we keep the doors open for additional Chinese students to come to the United States, if you agree with me that this is advantageous both to the process in the long run, hopefully, to the process of reform in China, and certainly to our ability to continue to influence thinking in China by being able to educate Chinese students, then you want to be careful about the ways in which you do things if you have any reason to believe that legislation will lead to actions in Beijing that might not take place if it is done by executive order.

This is the awkwardness of having to try to talk about some of these things with the danger that what I say may in fact make things worse in Beijing. But nevertheless, I think it is important that you understand that in the minds of the Executive Branch and the President was a desire to do what was possible to make sure that the continued travel of Chinese students to the United States would remain.

Senator **Murkowski**. Are Chinese students still coming to the United States?

Mr. **Eagleburger**.There are still some coming in, yes, sir. I do not know the numbers at this point. We talked about this earlier, about this report in the newspaper today.

Senator **Murkowski**. I am aware of that, but you can state, since your trips, Chinese students are still coming into the United States?

Mr. **Eagleburger**. Yes.

Senator **Murkowski**. As far as you are concerned the door is still open, and your conviction is that the door would have been shut had that vote gone the other way?

Mr. **Eagleburger**. Yes. On that, I am reasonably confident.

Senator **Murkowski**. What have we heard from Taiwan through the American Institute to Taiwan on the Taiwanese view of our actions in China, your trips, the incidents that have occurred? What is the official posture?

Mr. **Eagleburger**. Senator, that I will have to submit to you for the record. I literally do not know what Taiwan has said to us on the subject of our trips. I probably should, but I must say at this point I do not, but I would be glad to submit it for the record.

[The information referred to follows:]

Question. What have we heard on the Taiwanese view of our actions against the PRC since the crackdown?

Answer. U.S. Government actions against the PRC following the Beijing crackdown were strongly supported in Taiwan.

For their part, the authorities on Taiwan condemned the crackdown and subsequent repression. The crackdown temporarily slowed the dramatic increase in private contacts, travel, and indirect trade and investment between the two sides. This reflected the decision of individual Taiwan residents; in the aftermath of the crackdown, the authorities on Taiwan did not adopt any measure to restrict private travel or indirect trade and investment.

More recently, private travel from Taiwan to the China mainland and economic interchange between the two have regained their earlier momentum. Last December the Taiwan authorities said they intend to expand further on a step-by-step basis Taiwan's unofficial contacts with the mainland.

Senator **Murkowski**. It is quite evident that the problems in United States-China relationships as far as we are concerned are due to Chinese actions, and should not China be making the conciliation, as opposed to us?

I recognize your commitment is not to ignore one-fifth of the world's population, but as you try to keep the door open so students can come in, you are still faced with this dilemma that we have not changed, they have, and how do you handle that internally? Is it case-by-case, each step at a time?

Mr. **Eagleburger**. Basically, what we are trying to orchestrate with the Chinese is in fact, as I indicated in my statement, a step-by-step process.

But let me try to make a point, Senator. I want to emphasize to you that steps we take, or steps we have already taken, have been in response to changes that have taken place within the PRC.

I do not believe that we can be properly accused of I having kowtowed, taken steps in advance of what the Chinese may do. We have in fact reacted to things that the Chinese have done to begin to try to change the situation on the ground, within China.

Now, you can argue, I suppose—well not I suppose, it is clear it has been argued that the very fact of the Scowcroft-Eagleburger missions to China is in itself the first step. I would argue fairly strenuously that in fact the purpose of both trips was to make it clear to the Chinese leadership at the top our view of what had taken place in Tiananmen Square, our view of the fact that the relationship between the People's Republic of China and the United States was seriously brought into question so long as those conditions continued in China.

I happen to believe it made sense for us to go there and tell them that. I do not believe that that was a gesture. think it was trying to make very clear that they understood in Beijing precisely the dangers that the relationship faced if they continued the way in which they were proceeding.

Senator **Murkowski**. Well, you know, one can conclude from our point of view that clearly China needs us, and I will not say more than we need China, but the reality of the dramatic events that occurred over there and how you heal that over a period of time, and your contention that the very real threat that they would just simply close their doors and the hard-liners would prevail, and a period of time would go on where for all practical purposes our relationship with China could become fraught with danger. That I assume was the logic behind this effort to try to keep the door open and still not appear to be giving in to what we were very much opposed to.

Mr. **Eagleburger**. Yes; sir.

Senator **MURKOWSKI**. I assume that the President, in his association and familiarity with China, decided that this was going to be our foreign policy——

Mr. **EAGLEBURGER**. Yes; sir.

Senator **MURKOWSKI**. And that he would accept the responsibility for the decision to send you and General Scowcroft over there clandestinely and realized that it would become public and you would have the laundry hanging out to dry.

Mr. **EAGLEBURGER**. Yes; sir. I would prefer the word "secret" to "clandestine," but nevertheless——

Senator **MURKOWSKI**. I thank you, Mr. Secretary. I would simply ask that on a piece of your scratchpaper you could have one of your assistants give me a paragraph that I can take home to my Chinese students to assure them of our commitment not to let them down.

Mr. **EAGLEBURGER**. You will have it, Senator.

[The information referred to follows:]

FEBRUARY 7, 1990.

Hon. FRANK H. MURKOWSKI,
U.S. Senate, Washington, DC.

DEAR SENATOR MURKOWSKI: During my testimony before the Senate Foreign Relations Committee on February 7, you asked me for information regarding the protections provided by the President's Directive of November 30, 1989, issued at the time he vetoed the Pelosi Bill on Chinese exchange students. I hope the following description of the Directive and its purpose will prove helpful to you in your discussions with Chinese students at Alaskan and other universities.

In issuing the Directive, the President stated that he would never allow any action that would force the retum of Chinese students to China if their lives or liberties were at risk. The Directive provides the following Protections for Chinese nationals in the United States: (1) irrevocable waiver, which may be exercised until January 1, 1994, of the 2-year home country residence requirement; (2) assurance of continued immigration status for individuals who were lawfully in the United States on June 5, 1989; (3) authorization for employment of Chinese nationals present in the United States on June 5, 1989; and (4) notice of expiration of nonimmigrant status, rather than institution of deportation proceedings, for individuals eligible for deferral of enforced departure whose nonimmigrant status has expired. In addition, the President directed that enhanced consideration be provided under the immigration laws for individuals from any country who express a fear of persecution upon retum to their country related to that country's policy of forced abortion or coerced sterthzation.

The President's Directive in all cases provides protections equal to or greater than those provided in the Pelosi Bill. The Issue, therefore, is not whether any Chinese nationals will be forced to retum to China; they will not. By promulgating a directive rather than relying on legislation, the President has reduced the risk of sharp Chinese retaliation that might eliminate future scholarly exchanges. While Chinese action to prevent travel of exchange students in the future cannot be ruled out, we feel certain that the door will more likely remain open than it would have had the Pelosi Bill been passed.

As the President stated on November 30, "Chinese and other foreign nationals should know that this is not an expedient or temporary action, but one reflecting fundamental American humanitarian values. I will always adhere to the principle that no one will be retumed forcibly to a country where he or she faces persecution. America will always stand with freedom-loving men and women around the worid."

Sincerely,

LAWRENCE S. EAGLEBURGER,
Acting Secretary.

Senator **MURKOWSKI**. I appreciate that.

Thank you, Mr. Chairman.

Senator **BIDEN**. While you are doing that, my son has a paper to do. [Laughter.]

Senator **Biden**. One business matter before I yield to the Senator from Massachusetts. With regard to matters that need to be discussed in closed session, rather than adjourn and do that now would you be willing to come back at another time convenient to you and the Chairman to discuss the six issues, three of which have allready been raised, that relate to matters you cannot discuss in open session?

Mr. **Eagleburger**. I would be happy to do it, but let me make another suggestion, Mr. Chairman, which is if I could know what they are, let me try to provide it in writing after some research on some of these subjects, for instance, that we have here. I will be able to give you a good bit more if I can go back and look through the files and pull together everything we have.

Senator **Biden**. Fine. Why not do that. That may satisfy it. If not——

Mr. **Eagleburger**. If not, I will be happy to come back.

Senator **Biden**. The Senator from Massachusetts, Senator Kerry.

Senator **Kerry**. Thank you very much, Mr. Chairman.

Mr. Secretary, I know that Senator Sarbanes went through the infamous toast with you. I am not going to belabor it.

I want to ask you one question in terms of the perceptions of diplomacy and the views here that people are obviously feeling that less has happened than should have happened and more has happened in some cases than people would have wanted to happen. Mr. Scowcroft is quoted as saying that we must both take bold measures to overcome those negative forces.

How, in view of the bold measure taken by the Chinese only weeks earlier in Tiananmen Square, can that not be interpreted as a statement essentially condoning, diminishing, basically almost approving the steps that they had taken at least in the public's view? Do you recognize at least the public perception?

Mr. **Eagleburger**.I certainly recognize the public perception because I have been exposed to it ever since the toast. I would have said myself, Senator, and at the time I thought it meant, and I still think it means, when speaking to the Chinese that they were going to have to take bold steps to reverse the steps they had taken at the time of Tiananmen Square; that they were going to have to reverse their course, and that this, while it would be difficult for them, was something they were going to have to do and could therefore be described as bold.

I did not read it the way it has been——

Senator **Kerry**. I think the problem I and others have is that the entire sequence of events, almost every single statement, almost every single leak by the administration where they characterized what had happened in Tiananmen Square up until the actions with respect to military sales and so forth seemed to indicate the very contrary of what President Bush established was his policy. He said no business as usual; correct?

Mr. **Eagleburger**. Correct.

Senator **Kerry**. That was to be the policy. The message to the Chinese was to be no business as usual. In fact, however, on June 20 the second round of sanctions went in, and within 3 weeks you folks were in China. As you measure what happened after that, it was business as usual almost across the board.

Military sales: On July 7 the President authorized four commercial Boeings to be sold and a $502.1 million project to upgrade China's fleet of F-8's. In fact, the only restraint on military dealings was an $8.2 million contract for the Mark-46 submarine torpedoes.

Export-Import Bank loans: In August, without announcing the fact, your department authorized the Export-Import Bank for $45 million in loans and guarantees to five U.S. companies.

With the satellite launches in December, we continued business as usual.

On the Chinese student visas, there is a 403 to zero vote in the House and a voice vote in the Senate, and at least in the New York Times a high administration official is quoted as saying the President did not want to offend the Chinese leaders if he could avoid it.

You come here today and say to us, well, Senator, we are resuming discussions on the Pell grants. There is discussion going on. You have the Peace Corps in whatever nebulous stage it is. You have an accredited VOA correspondent which is down from the two that were there plus a stringer. You have medium range ballistic restraint supposedly which had already been confirmed three or four times prior to Tiananmen Square taking place.

Let me be fair. Is there anything positive you want to add beyond that?

Mr. EAGLEBURGER.I would like to disagree with the original assumption that it is business as usual. The Chinese certainly do not think it is business as usual.

Senator KERRY. Let me wait on that, then. I just wanted to list the positive achievements and balance it.

Let me give you the negative side. The repression continues. There were 2,500 detentions by the end of June; no information on the number arrested.

There was a massive disinformation campaign claiming that the democracy demonstrations were part of a counter-revolutionary rebellion.

They have barred reporting events in Romania.

Tibet continues to be genocized. I know nothing else to call it. Beatings and torture are apparently absolutely common.

Students are undergoing a major reeducation campaign, forced to write papers on their change in thinking. Apparently the entire first class of Beijing University was sent to a reorientation camp.

I can go on and on, frankly.

How do you say that that is not business as usual? How can you claim that that strengthens the hand of the opposition, which is what you said you were intending to do, rather than isolating the opposition and strengthening the hand of the government?

Mr. EAGLEBURGER. First of all, Senator, I do not think it can fairly be described as business as usual. We have maintained our suspension of weapons exports.

There is a deferral of consideration of lending by international financial institutions with the exception of basic human needs loans which will be examined.

Senator KERRY. How does the Export-Import get out of that?

Mr. EAGLEBURGER. We discussed it earlier. At the Export-Import Bank, there was a specific decision taken that we would permit a low level of export-import activity in China under two conditions: No. 1, that a particular sale was close to being made; and No. 2, it was clear that the United States bidder would in fact lose the bid because other governments were providing loan assistance. Only under those two conditions is the Export-Import Bank permitted to operate, the point again being we decided if we were clearly going to lose the sale we would let the Export-Import Bank make a bid. That is different from international financial institutions, the World Bank and the Asian Development Bank.

Senator **Kerry**. The response to the potential of losing business is business as usual, is it not?

Mr. **Eagleburger**. No; That is hardly business as usual because the Export-Import Bank in a number of other countries under other circumstances makes loans even if there is a good chance that the sale would in fact be made. This is only in extremes.

Again, I am not going to argue with you that we have cut off Ex-Im. We have not. We believe that the Export-Import Bank should continue to operate in those cases where American business clearly would lose the sale if the bank were not involved.

I have a long list of things that have continued, Senator. Do not let me bore you with them. I would like to submit them for the record, but the fact of the matter is that since June there has been no delivery of FMS items to China. In all, less than 20 munitions list export licensing cases have been approved compared to several hundred licenses which were suspended in June. I do not think that the Chinese consider this business as usual.

Let me come back to the fundamental point which you raised on which we have a different view. First of all, sending us shortly after the President's decision to cutoff exchanges was not business as usual. Scowcroft and I had not gone to China before that. The purpose was to make it clear to the Chinese leadership what the President's view of the events in Beijing had been, to make it clear to them so there could be no doubt how firmly the President felt about the issue. I do not consider that business as usual.

I will concede to you the changes in Chinese conduct thereafter were very slow in coming and that for a long period of time, in fact, there were none. As I tried to indicate in the opening statement, it was only after President Nixon and Secretary Kissinger had made their visits and came back that we began to get some hints that in fact the Chinese were prepared to try to find ways to reduce the level of tension between the two governments.

The second trip was very much for the purpose of trying to get that process started. This is where it is simply a difference of analysis. Again, it is very difficult for me to be very precise in public session, but there are those in Beijing who would like nothing more than in fact to see their country isolated, to go back behind their wall and live the way they have so many times in the past.

It was our view that by maintaining the contact, providing the excuse for those who want to go back to a modernization program or continue the modernization program, providing them with some rationale as to why it was necessary to continue to discuss the issue with the United States because there were things we could do in response to their reforming, in response to their changing the actions of Tiananmen Square, that we made the trip at all.

Senator **Kerry**. I suppose a lot of this hinges on one's definition of isolation and what you are really getting out of it.

I see my time is up, and I had wanted to ask you particularly about Cambodia. That troubles me greatly because I think there are additional weapons going to the Khmer Rouge at this point in time. Perhaps we can follow up on that.

Mr. **Eagleburger**. I have offered to provide information on precisely what we know about Chinese arms delivered to the Khmer Rouge. I do not know the statistics.

[The information referred to follows:]

Question. Are there any sanctions that remain in force? Has the time come for the lifting of all sanctions?

Answer. The measures announced by the Administration in June 1989 remain essentially in place, although there have been marginal adjustments in support of U.S. interests. Measures in force include our suspension of weapons exports; efforts to seek deferral of consideration of loans by international financial institutions, with the exception of loans for basic human needs; and the suspension of visits by military leaders and exchanges of senior level government officials.

No weapons exports have gone forward. Several hundred licenses were suspended in June for exports of munitions list items. We have approved, on a case-by-case basis, a few—less than 20—munitions list export licensing cases, but they are not military items. Some examples of those approved since June are inertial navigation units needed for the safe operation of commercial aircraft; the AUSSAT and Asia-Sat communications satellites and US components for a Chinese domestic communications satellite; routine inspection of some Chinese-owned Lear jets: and some bank teller eguipment. There has been no delivery of FMS items to China. In cooperation with our COCOM partners, we have suspended liberalization of strategic trade controls for China.

The United States has remained opposed to a general resumption by the World Bank and Asian Development Bank of lending to China, but we are now willing to consider World Bank basic-human-needs loans to China on a case-by-case basis. (Note: The World Bank Executive Board approved the first post-Tiananmen loan for earthguake relief on February 8.)

Working level exchanges of civilian governmental officials have continued, but senior-level exchanges have been cancelled. Cancellations include (1) the Joint Commission on Commerce and Trade meeting to have been led by Commerce Secretary Mosbacher, (2) the Joint Economic Commission meeting to have been led by Treasury Secretary Brady, and (3) a review of activities under our bilateral Science and Technology Agreement to have been led by the White House science adviser.

Certain high-level contacts with Chinese (involving General Scowcroft, Secretary Baker, and Deputy Secretary Eagleburger) have been authorized to discuss critical global, regional, and bilateral issues.

Congress has passed sanctions legislation which replicates some of the President's measures and adds others. The State Department Authorization Act suspends new Trade and Development Program (TDP) and Overseas Private Insurance Corporation (OPIC) activities1 issuance of licenses for export of most munitions list items to China, issuance of licenses for export of crime control or detection instruments or equipment, the export of satellites of US origin intended for launch by a PRC launch vehicle, and licensing for all nuclear-related dual-use exports and technology transfer activities subject to Commerce and Energy Department approval. It also instructs the President to negotiate in COCOM for the multilateral suspension of, and to oppose, certain export control liberalization for China. The TDP, OPIC, munitions list, crime control, satellite, and COCOM sanctions can be overcome if China makes certain progress in ¶political reform or if the Presidential reports to Congress that a waiver is in the "national interest." The nuclear sanction, however, continues until all certifications required by PL 99-103 are be made.

While China has taken some positive steps over the past few months, we do not believe that they are adequate to warrant a fundamental altering of the President's policy. With regard to Congressional sanctions, we are now examining activities affected by these sanctions to determine whether United States national interest requires the exercise of national interest waivers, as permitted by the Act.

Question. Over the past 6 months, has there been any appreciable decrease in Chinese arms supplies to the Khmer Rouge?

Answer. We believe the quantity delivered to the Khmer Rougehas not changed significantly in recent months.

The Chinese have said that they will cease their aid to the Khmer Rouge, as well as to the non-Communist factions, when tee Vietnamese troop withdrawal has been independently verified, when all other external assistance to the Cambodian factions ceases, and when a comprehensive settlement is in place.

Senator **Kerry**. May I just ask, in the context of strengthening the opposition, which is what you said you are seeking to do——

Mr. **Eagleburger**. Let us use a different word than "opposition."

Senator **Kerry**. You referred to those elements seeking change in China.

In the context of strengthening those who are seeking change in China, how do you believe that the minuscule changes which most people perceive China has made in reality strengthens them? How does the perception that seems to exist at least with most dissidents that I have heard that the United states is really not taking a strong enough stand here—they do not feel strengthened. I think they feel somewhat isolated.

Mr. **Eagleburger**. That, I think, is not true of those within the Chinese hierarchy who view the modernization program, who view what Deng Xiaoping had spent some years trying to develop as the only rational course for China to follow. I do not think they have the same view as what you described as dissidents or students outside China, for example, would have.

Our point is that it was and I think continues to be important that we make it clear, since the Chinese need us so badly, a point Senator Murkowski has made, that there is a price to pay for a return to a different relationship with the United States, and I think that strengthens the hands of those who want to go back to a modernization program, who want to go back to the process of trying to liberalize the country both economically and politically because they know it cannot work without the cooperation of the United States.

Senator **Kerry**. My time is up.

Thank you, Mr. Chairman.

Senator **Biden**. Senator Humphrey of New Hampshire.

Senator **Humphrey**. Welcome, Mr. Secretary.

First, with regard to the sustaining of the President's veto, I hope the administration will not misread that vote. There are many of us on this side who are not happy with the President's policy toward China, who supported him nonetheless because we felt there was a heavy element of partisan politics involved, and we simply did not want to see the President bashed on the first vote of the new session a week before he was to address the assembled Congress.

I agree with Senator Sarbanes. I think the President has a lingering case of clientitis, and I just do not see any fruit from this policy that in any way begins to offset the abandonment of the next generation of Chinese leaders.

For my questions I want to begin by focusing on the American students. As you know, Mr. Secretary, many of them have been harassed and spied upon by Chinese officials and even threatened with reprisal to them or their families when they returned to China. What are we doing about that?

Mr. **Eagleburger**. Well, in the first place, Senator, we are saying that they do not have to return.

Second, with regard to the reports of harassment, I have heard them. I do not know that we have any confirmed evidence of it, but I can assure you that the Chinese Embassy or any other diplomatic, Chinese diplomatic establishments in this country will be told in no uncertain terms that that is inappropriate conduct.

Senator **Humphrey**. Well, Mr. Secretary, these reports are manifold. Surely there must be something to them. Is it not time that the Department looked into it to find out the extent and seriousness of this purported problem?

Mr. **Eagleburger**. Yes; sir, it is. We will look into it. I think we already are, as a matter of fact, but I do not know the details. Yes.

Senator **Humphrey**. Can I speak with you in the future to find out what our options are? It is reprehensible. It is a case of bullying, and it is just intolerable.

Now, as to China herself, most of our embassies and consulates have political officers assigned to investigate human rights abuse allegations. What is the status of our embassy and consulates in China in that regard presently?

Mr. **Eagleburger**. I do not know with regard to the consulates. I do know that within the embassy there is an officer in the political section who is assigned that responsibility. I do know about the consulates1 I can find out.

[The information referred to follows:]

Question. Most of our embassies and consulates have political officers assigned to investigate human rights abuse allegations. What is the status of our embassy and consulates in China in that regard presently?

Answer. Our embassy in Beijing has an officer with primary responsibility for human rights matters. This officer is assisted as a matter of course by other officers in the political section as appropriate concerning matters that pertain to human rights. At each of our Consulates General in China—Chengdu, Guangzhou, Shenyang, and Shanghai—there is an officer who has responsibility for human rights reporting. Our Consulate General in Hong Kong also has an officer responsible for human rights reporting.

Senator **Humphrey**. Is it not even more important now that we monitor and widely disseminate reports from our embassy and consulates if appropriate on human rights abuse?

Mr. **Eagleburger**.Yes; sir.

Senator **Humphrey**. I hope that we will see more attention to that.

As you know, Mr. Secretary, the United States had great success in a program with bipartisan support to promote democracy in Poland among other places. The NED programs, for example.

What can we do now along these lines to hasten the day when democracy comes to China?

Mr. **Eagleburger**. I do not know how to answer the question, Senator, because I am not sure what you mean by "along these lines."

I know NED has a program that they have put to the State Department which I gather we have reviewed and support, but I think it has to do with—I do not know that it has to do with activities in China itself. It is outside China.

Insofar as we have any ability to encourage the process of reform and democratization in China, I would suggest to you, sir, that it follows along the lines of in fact what the President is now doing, which is trying to support to the degree he can within China those forces which want a return to modernization.

Senator **Humphrey**. I would like to suggest—I am suggesting and urging that we create—enhance whatever ability we have and create more abilities by instituting programs that help private groups and other pro-democracy groups in China and among Chinese students here in the United States.

We personally have, I think, just one such program, one that helps Chinese exiles and students here through the publication of a newspaper called the New Intellectual. Well, I think if we let our imaginations run loose and enthusiastically within the bounds of reasonable possibilities that we can think of ways to do in China what we so successfully helped to do in Poland, in the case of Poland, by encouraging Solidarity and its various operations.

Let us look for ways to encourage these groups which are now so repressed, so beaten down, and which no doubt feel abandoned by the United States. Let us create some new ones, and we have to—let us enhance whatever we have, but we ought to have an aggressive program to do just that sort of thing. I do not see that as inconsistent with what the President is trying to do. Do you?

Mr. **Eagleburger**. No; I understand what you are saying.

Senator **Humphrey**. Can we catalog what our opportunities are and ply whatever resources we have and create new resources, request new resources where necessary?

This is probably going to be a long pull. We ought to have some substantive programs underway very soon, I should think. Would you disagree with that?

Mr. **Eagleburger**. No, Senator, I would not disagree with it. As long as I do not have to catalog them here today because I have to think about it, but I hear your point.

Senator **Humphrey**. I know it would be impossible for you to do that. You are capable of the semi-impossible, but not the impossible.

Good. Then I will look forward to having a conversation with you about these things in a few weeks. I hope we can make some progress because we really do need to show support for the next generation. They will be there hopefully sooner rather than later, and there is a wonderful future there for China and United States-China relations when that new generation comes into power. And we need to hasten the day, not just waiting around for these old codgers to die off, that we need to pro-actively hasten the day that these youngsters, these pro-democracy youngsters will be empowered.

I mentioned earlier that I could not discern any substantial fruits from our policy. When the news of the first secret visit came out the administration protested that if we would just wait a while, we will see the fruits of all of this. Where are they? I mean, I do not see anything that is commensurate with what we have done. The price we have paid in terms of abandoning the next generation disillusioned them terribly. What are the fruits?

Mr. **Eagleburger**. Senator, first of all, I just do not agree with you that we have abandoned the next generation of leadership, but let me put that aside for the moment.

There were two points I would make the first of which—and I tried to list in this statement some of the steps the Chinese have taken. I have also indicated that they are certainly inadequate to the problem we all face, but that they are beginnings and probably were fairly difficult to accomplish in the Beijing of today.

But I would make a second point which is I would be the first to concede to you that the policy we are following is not one which will lead to rapid payoff. I do not happen to think that is possible in the China of today, but that this is a long haul situation. It will take a good bit of time. That we are hopeful but can certainly not guarantee that the process we are now following will, in fact, lead again, lead the Chinese government toward reform and democratization, economic and political.

I cannot promise it. All I can tell you is it is our judgment that this is the only way available to us in fact to reestablish the strength of those within China who, in fact, desire democratization and liberalization.

I would also say to you that we feel very firmly that in fact the process of isolating ourselves from the Chinese people, cutting off the contacts, reducing the dialog back and forth will lead to precisely the opposite conclusion and will lead to nothing more than an isolated China which returns to the bad old days of a very dictatorial, centralized system that really does not care about what the rest of the world thinks.

Senator HUMPHREY. Well, I am not sure I agree with your analysis any more than you agree with mine, but I cannot help remembering, I cannot help comparing the current situation with our conduct toward Romania, which proved to be shameless and perhaps even delayed the day when the Ceausescus were removed from power, and that may be the result in China. I fear it is, frankly, that we are only helping the current generation more deeply embed itself.

That is a difference of opinion. Only time will tell. But there are some things on which we agree, fortunately, and there are things which we can be doing. I think you agree with that.

I hope to see substantial progress on these things that we discussed before very long because it is unfortunately probably going to be a long pull. So, let us get started and let us help these people as we helped those in Poland.

Senator BIDEN. Thank you.

Mr. Secretary, I know you have to go in a moment, but let me pursue one point.

It seems that in this discussion that has taken place between you and the committee and this debate which has taken place in the nation that we are comparing apples and oranges sometimes, and I notice you and the administration have been very careful when referring to democratic forces in China of talking about democratic forces within the government, whereas when we talked about democratic forces in Eastern Europe, we almost always were talking about democratic forces that were outside of the status regimes, outside of the governments.

I'd like you to discuss with me the similarities or lack of similarities between the urgings for change that took place or are taking place in Eastern Europe and those that you think exist in China.

Let me elaborate. I met with a group of leading Chinese Americans on the day of the vote to override the President's veto. To my surprise, they were split on whether or not President Bush's veto of the Chinese student bill should be overridden. There was a minoirty who shared the view of the administration. I was quite frankly surprised by that.

And they offered the following rationale, and let me repeat it to you for you to comment on this entire point that I am trying to make.

They said that there is a fundamental difference between the urgings for democracy that exist in a relatively well educated industrialized Eastern Europe—where in the GDR and in Czechoslovakia and in Poland. The literacy rate is high, where the rate of accomplishment relative to modern skills that would be useful in a market economy are high, and where there have been nascent elements of change that have been—whether it is charter 77 or Dubcek in Czechoslovakia or in Poland in years past or Hungary in 1956—where there have been those elements outside the government that have been nurtured, repressed, given some leeway, sometimes not that have come to fruition.

Whereas in China there is an incredibly large peasant population that on balance probably still believes itself better off than it was prior to Mao and does not possess the same kind of urgings and inklings that is possessed in Eastern Europe.

And it takes me back and I will conclude with this to your apparent thoughtful distinction, not accidental distinction, about democratic forces within the government. Can you comment on that?

Mr. EAGLEBURGER. Yes; sir. To a degree, I would associate myself with what you have described but with some qualifications, I think. Again, I have to be careful how I say this in an open session, not for this audience but other audiences.

First of all, I come back to my point that what we are trying to do with regard to China is China specific. It relates to the particular country and the ramifications because it is a specific country. Now we may be wrong in our analysis about it, but I would say that it is different than the way you deal with the GDR or Romania or Czechoslovakia because it is a different country, not least of which is it is substantially over 1 billion people and is a good bit larger geographically.

Also, China has a long history of what I would best describe as warlordism. It has a long history of fragmentation. The people in Chungking are not by any means the same as the people who live in Shanghai. The differences in the country are monumental. It is a fact, I think, fairly well demonstrable in history that the process of reform in China so far has been largely led from the top from a group within the leadership of the Chinese party and of the government which has believed that modernization was essential to the long term future of China.

Certainly, you have to put in terms of an historical perspective at least Deng Xiaoping in that group. The changes that have taken place in China that took place over the course of the last several decades took place in large part I think because the relationship of the United States has created, in fact, the very things we saw take place in Tiananmen Square, the yearning for freedom, the students feeling as they do about changes in the People's Republic of China.

I would not deny for a moment that the relationship with us led to a good bit of that, which has led certain of the Chinese leadership to say that those kinds of relations therefore must stop because it is corrupting the Chinese society.

I am not for a moment saying that there is not a broadbased yearning for a more free political and economic system in China. I think there is, and Tiananmen Square showed that. I think in part the fact that that exists is because of the reforms and changes that were made over the course of the decade or so preceding Tiananmen Square.

I think it is probably true that in the Chinese case at least at this time in history if there are to be changes which bring China back toward the kind of society we in this country all want, they will depend to a large measure for some time to come on the attitudes and activities of people within the leadership. There are those within the leadership who do not want for 1 minute to see China proceed down that course. That is why I say isolation from our point of view is such a dangerous perspective.

I would also argue that you can make the case in the East European situation that where we had a choice between dealing with someone in a government or a party who was for a liberalizing process as against the hardliner who wanted nothing to change that our ability to influence those people over time, over the course of the last 40 years, has in part been responsible for what we now see in Eastern Europe.

I do not want to carry that too far because what is clear in Eastern Europe is that the system never took root in any of those countries. What has surprised us all is the rapidity with which it has collapsed which demonstrates that it never took root.

Having said that, I think Dubcek did make a difference in Czechoslovakia. He did provide a tradition which the president of Czechoslovakia today can refer back to and have some relationship to. I do think it has made a difference there, but I think the Chinese case is fundamentally a different kind of a situation right now.

Senator **Biden**. Quite frankly, that is the only remotely sound explanation for your policy.

Mr. **Eagleburger**. I took a long time to get there.

Senator **Biden**. I mean that sincerely. I disagree with it, but it is the only intellectually sound basis from which you can, in my view, justify the policy you have undertaken. Once the heavy hand of the Soviet Union was lifted and each of those regimes in Eastern Europe was told, "You are on your own," it was only a matter of time, literally days and months, before Honecker fell in that most repressive of East German regimes because when those students marched, they did not represent students. They represented the heart and soul, and blood of all East Germans or almost all East Germans.

So, if one believes that the students in Tiananmen Square in fact communicated that same intensity throughout the population of China, then obviously one would be convinced that you should do nothing but try to spur that and move it. I think you have done nothing, quite bluntly, but dampen that, if not help crush it.

It only makes sense from a foreign policy standpoint. I am just trying to understand what motivated the administration, because I know you are all decent, bright, honorable people. On the surface what you say makes no sense to me, but it makes sense to me only in the context of concluding that it must come from the top down rather than what happened once the lid was taken off, what you knew and you schooled me on when I visited you in Yugoslavia a decade ago when you were ambassador there. You told me what was underneath the surface in Yugoslavia, even though I am not comparing Yugoslavia and Czechoslovakia in the same context in their relationship with the Soviet Union.

At any rate, having said that, I still strongly disagree, and I would argue that the only reason that the Chinese leadership did what it did, which is very little, is because of world disapproval and no other reason. Then when they finally made the change they made, it seems to me some of it would have occurred no matter what happened.

To sum it up and conclude from my perspective—you can make any closing comment you wish—the concessions and gestures made by China do not amount to much. For example, the release of 573 demonstrators, obviously does not account for the fact that thousands more remain in detention.

The accreditation of the Voice of America reporter ignores the fact that the Chinese still jam the Voice of America transmissions.

The Chinese pledge on missile transfers is an old promise and makes no mention of the transfer of technology.

The end of martial law ignores the fact that many troops remain all around Beijing and that the opposition activities remain suppressed.

Lastly, the concession on Cambodia—the enhanced role for the United Nations—is not much of a concession, as China has long sought a U.N. role in the settlement of the Cambodian question, since its ally, the murderous Khmer Rouge, have membership in the United Nations.

Moreover, I would like to respond to what you said about the importance of briefing the Chinese on the Malta summit. I do not know that the national security adviser flew to Japan to tell the Japanese about what happened in Malta, and I do not know that the national security adviser took off and headed to South Korea to tell them about it, either.

As I said, in conclusion, if we want this thing to get back on track, I notice the Chinese did not send a delegation to us saying, hey, let us get this thing squared away. There will be more fights about, I suspect, and I just wish we had figured out a way not to make it—in the eyes of Senator Humphrey—as partisan as he thought it was because obviously we would have had his vote and we might have been able to override the President's veto.

Having said that, I now know that I must treat him much more gingerly and phrase my criticism of the administration's policy in bipartisan terms.

Would you like to say anything in conclusion, Mr. Secretary?

Mr. **Eagleburger**. Yes, I would. Thank you, Senator.

Senator BIDEN. All right, the hearing is adjourned. [Laughter.]

The hearing is reconvened. The record will remain open for the next couple days. Questions from Senators which they felt could not be asked in open session may be submitted to the Secretary. For those questions which require amplification or cannot be answered in writing and require a closed session, we will then negotiate a time for that to occur. Hopefully, we can do it through writing.

By the end of the week, Mr. Secretary, you will have those questions.

Now, unless anyone in the audience has something to say, the hearing is adjourned.

[Whereupon, at 12:40 p.m. the hearing was adjourned to reconvene subject to the call of the Chair.]

APPENDIX

STAFF ANALYSIS OF SITUATION IN CHINA AND UNITED STATES POLICY

Prepared as of February 1, 1990

BACKGROUND

Overview

With a per capita Gross National Product of about $300, the vast majority of the 1.1 billion Chinese people live in grinding, pre-modern poverty. Eighty percent are tied to the land. Infrastructure, especially transportation, is primitive. Economic development is hindered by a lack of dependable energy supplies, although China is known to have vast coal deposits and hydroelectric potential.

The Chinese ruling structure differs from the Soviet and East European model due to its emphasis on the military. Both Mao and Deng have, in essence, ruled from the Communist Party's Military Control Commission and rivalries over position on the Commission have been intense. The Chinese ruling group is heavily interconnected by marriage alliances. Nepotism, is a common complaint of pro-democracy activists. So, too, is corruption.

The Chinese Communist ruling group has maintained itself in power since 1949 by ruthlessly stamping out any opposition. A system of forced labor camps exists throughout the country. Strict regime camps, similar to the Soviet Gulag under Stalin are located in the Western part of the country, particularly in the province of Qinghai [pronounced Chinghi].

In the past 40 years the country has been swept by a number of political campaigns, most of which have originated in power struggles at the top. In September 1987 Professor Nicholas Lardy of the University of Washington told the Committee that the fatal casualties of just one campaign, the Great Leap of 1959–60, exceeded 30 million, more than were lost by all sides in World War II.

When Deng returned to power in 1979 it was clear that China was falling seriously behind the economic development of Japan and the other non-socialist countries of Asia. He then undertook to modernize the economy by relaxing state control of agriculture and encouraging transfer of technology from the West. Agriculture responded immediately so that China became a net grain exporter by the mid-1980's. Foreign companies, particularly from Hong Kong, established export-oriented consumer goods factories [shoes, textiles, toys, electric fans, etc.]

The economic changes of the 1980's led to pressure on two general fronts: the highly centralized State industrial sector and the political/social system. Having seen what decontrol of agriculture could do, Chinese reformers wished to extend it to the State industrial enterprise sector. This, however, would have meant price reform and the closing of hopelessly inefficient enterprises. Price reform would, and did, lead to inflation, a particular fear of the Government given the hyper-inflation of the last years of Nationalist rule.

Reform of the political/social system was and remains the most difficult issue because of the potential for challenge to the ruling structure. With the influx of foreigners and the opportunity for educated Chinese to travel abroad has come an inevitable comparison between the human rights enjoyed by foreigners and repression at home. As educated Chinese began to discuss these comparisons, the ideas spread to ordinary workers and pressure began to build for political and social reform.

Reformers began to argue that further economic development could not take place without reform of the political structure and social system. The Chinese ruling group split with some accepting this argument while others saw it as a threat to their power and privileges.

They responded with a series of hot and cold relaxations and dialogs followed by severe repression. Each swing has been higher and more extreme as the reformers demand more and the traditional ruling circles react, fearing loss of power and control. As outlined by the Asia Watch report "Punishment Season: Human Rights in China after Martial Law" [to be released February 7], China is suffering under a severe repressive swing.

At the same time, reform of the industrialized State sector has come to a halt. The People's Bank, China's equivalent of the Federal Reserve, has reduced credit availability generally and reallocated the bulk of its funds to the state sector leaving the more modern enterprises to face constriction or bankruptcy.

United States-China Relations

United States-China relations are at the lowest point since diplomatic relations were reestablished in 1972. This is primarily due to the Chinese ruling group's inability or unwillingness to address the twin problems of reform of the state industrial structure and reform of the political/social system. For example, without industrial reform, China has little to sell for hard currency on world markets except arms. Uncontrolled Chinese arms exports is one of the most critical unresolved issues between the United States and China. At the same time, the bloody repression of unarmed Chinese citizens in Beijing last summer and continued repression have made public opinion in the West turn against the regime, leading to" calls for economic sanctions.

Chinese Arms Exports

Chinese arms sales began in earnest in 1979 and have expanded to more than ten countries in Asia, Africa, and the Middle East. They are now the fifth largest supplier on arms in the world market, raising concerns not only about the type of arms supplied but the attendant transfer of technology.

There are three major areas of concern: first, assistance to nuclear programs in the Middle East and South Asia; second, sale of ballistic missiles or ballistic missile technology, again to the Middle East and South Asia; and third, there are continued arms deliveries to the Khmer Rouge.

There have been repeated reports in the foreign press about Chinese arms or high technology sales. On December 12, 1989 the *Jerusalem Post* reported that China had agreed to sell 140 M-9 ballistic missiles for $170 million. According to the *Post* and French press reports, Libya financed the deal in return for 60 of the missiles. The M-9 is a mobile, solid fueled rocket with a range of 600 kilometers [350 miles], more than enough to cover all of Israel from anywhere in Syria. The missile is not yet in production and most reports suggest that deliveries, if any, would begin next summer. The Chinese have denied the intention to ship M-9 missiles to Syria and the administration claims that as a success from the second Scowcroft trip to Beijing in December, but an Arabic language newspaper in London reported in early January that the deal was back on.

Also in December, a newsletter published by the *Financial Times* of London claimed that the Chinese were providing assistance to the Iraqi nuclear program. According to the newsletter, Chinese support focuses on helping Iraq build high-speed centrifuges that would be used to produce weapons-grade uranium. The newsletter also said that China had supplied similar equipment to the Pakistani nuclear program.

Again in December, the *Washington Times* quoted a Commerce Department official as stating that the 1985 United States-China nuclear cooperation agreement is "on hold" because the administration could not certify to Congress that China is not involved in the proliferation of nuclear weapons.

On January 21, 1990 Reuters, quoting Radio Tehran reported that the Iranian Defense Minister and the Deputy Chairman of the Chinese Science and Technology Council signed a 10 year agreement for "scientific cooperation and military technology transfer." No details were given of what would be transferred. The function of the Chinese Science and Technology Council is not completely known.

Human Rights

The Asia Watch report mentioned above outlines in detail the current campaign of political and social repression: executions, arrests without charge, secret trials and sentencing of prodemocracy demonstrators, torture, suppression of the workers movement, suppression of freedom of expression, harassment of Chinese students in the United States and continued oppression in Tibet.

Some details stand out. First, a campaign against the Roman Catholic Church began December 11, 1989, the day after General Scowcroft's departure from Beijing. On that day Bishop Fan Xueyan disappeared after being taken away by local police authorities. Since then, eleven more bishops have been arrested, at least 20 priests and an unknown number of believers. It is unclear at this point whether the crackdown extends to Protestant denominations. The Roman Catholic hierarchy may have come under attack because of the role of the Church in the events of Eastern Europe.

Second, last month the Chinese government issued new restrictions' on the foreign press. Within a week, a high-ranking official made a severe criticism of *Washinqton Post* reporter Daniel Sutherland. Mr. Sutherland has been in Beijing for over three years and is nearing the end of his tour. Within the past six months he has broken a number of stories of repression and human rights violations. The Chinese blast seems to be an attempt to intimidate him as well as the rest of the foreign press.

Recent Events

Since November, a number of events have occurred in the United States and in China with an immediate impact on American policy towards China. The most dramatic event was the announcement in December that the President was sending National Security Advisor Brent Scowcroft and Deputy Secretary Eagleburger to China. This was followed by the disclosure that another secret mission had taken place last July. This hearing will be the first opportunity for the Senate to learn in detail the nature and consequence of those earlier meetings. It will also provide the first opportunity since last June when the President last spoke on China in detail to learn what is the administration's policy on China.

1. *Executive Branch Statements on China.*—Since the massacre at Tiananmen Square, a number of administration officials, including the president, have made comments on China and American policy toward it. However, no comprehensive policy statement exists.

Statements by Secretary Baker: On June 21, 1989, at a White House press briefing, following the announcement that China had executed three for their alleged involvement in political demonstrations in Shanghai, Secretary Baker declared that "I ought to also say that there is an important relationship here which we should seek to preserve if we possibly can."

Statement by Mr. Williams, Director, China and Mongolian Affairs, Department of State: On July 13, 1989, at a hearing in the House, Mr. Williams observed that the "administration's policy since June 5 has been to combine our strategic, economic, and human rights concerns into a coherent package" and also declared that "concrete steps toward political and economic reform are necessary."

Statement by Unnamed administration Official: An unnamed administration official was quoted in a *Los Angeles Times* article on September , 1989, as stating that "the 'prevailing view' in the Bush White House is that American television gave a selection, unrepresentative portrait of events in China and that the significance of those events is being exaggerated * * * "Many, many more people were killed during the Cultural Revolution, at the time when President Nixon went to China.' "

Statement by Ambassador James Lilley: On November 7, 1989, United States Ambassador to China James Lilley gave a speech in Hong Kong in which he said, "The issues driving political and economic debates in China are fundamental issues of power and who will get what share of it." In particular, he attacked the Chinese effort to shift its economic, social and political troubles on to the West. He said, "This shifting of blame just won't wash. The domestic problems China faces are of its own making."

Statements by President Bush: On December 11, 1989, President Bush said that he was "looking for ways to find common ground" with China in order to prevent it from becoming "totally isolated." He stated that China has "a strategic position in the world that is important to us." In addition, he insisted that he did not "want to hurt the Chinese people."

At the President's press conference on January 25, 1990, the President stated that "we will continue to urge the People's Republic of China to recognize the human rights of its citizens, to participate in the affairs of the world community."

2. *Presidential Sanctions on China.*—The President's Original Sanctions Package: On June 5, 1989, under pressure from Congressional leaders, the President announced a series of sanctions against China:

(1) suspension of government and commercial military sales to China, i.e. all military items requiring licenses for export from the Office of Munitions Control;

(2) suspension of contacts between Chinese and American military personnel;

(3) promised a sympathetic review of Chinese student requests to extend their visas, and

(4) authorized United States aid to the Chinese Red Cross.

On June 20 before the Senate Foreign Relations Committee Secretary Baker testified that he had "recommended to the President that we suspend all political-level Assistant Secretary and above participation in non-military exchanges between the

United States and China. That will mean cancellation of certain travel that is now programmed for some of our cabinet officers."

On June 20, 1989, the President ordered additional measures after Congressional suggestions that not enough had been done:

(1) suspended "participation in all high-level exchanges of Government officials" with officials of the PRC, including discussions with cabinet members, undersecretaries and assistant secretaries;

(2) called for the deferral of approximately $1 billion in World Bank and Asian Development Bank loans to China;

(3) ceased efforts to persuade the 16-member nation COCOM group from further easing of import restrictions on China; and

(4) halted credit guarantees provided through the Export-Import Bank.

At the G-7 Meeting [Economic Summit] in Paris in July the Heads of State issued a declaration on China confirming a ban on military sales and a commitment to oppose World Bank loans for China.

The President Waives His Sanctions.—(1) High Level Exchanges: In July National Security Adviser Brent Scowcroft and Deputy Secretary Eagleburger undertook a secret visit to China in contravention to the administration's declaratory ban on visits. The President later explained in a press conference that the presidential ban on "exchanges" was not the same as a ban on "visits." In August Secretary Baker met with Foreign Minister Qian Qichen in Paris. Also in August the Chinese Ambassador to the United States met with President Bush, Vice President Quayle and National Security Adviser Scowcroft.

(2) Military Sales: July 7, 1989, the President authorized the sale of 4 commercial Boeing 757-200 jetliners to China containing navigations systems on the Munitions Control List. Three of the planes were delivered in July and a fourth in August. A 747 passenger "jumbo jet" was sent in October. Honeywell, Inc., was permitted to continue its contract in China maintaining the navigation equipment on planes already sold to China. In the fall a Dayton, Ohio newspaper discovered that the administration had reversed its ban on military cooperation. A $502.1 million project to upgrade China's fleet of F-8 fighter planes with U.S. electronics under Grumman Corp. was permitted to continue with Chinese military personnel in the United States being trained to install and maintain the equipment although no planes have yet been transferred to China. Test flights are to begin in 1991. Chinese are also being trained to install avionics kits on 55 F-8's back in China. The only arms deal with China ready for shipment and actually held up is an $8.2 million contract for Mark 46 submarine torpedoes and torpedo launchers.

(3) Export-Import Bank Loans: In August the Department of State, without announcing the fact, authorized the Export-Import Bank to offer preliminary commitments for more than $45 million in loans or loan guarantees to five United States companies in China, including the Westinghouse Co., then bidding on oil drilling and nuclear power projects. On December 19, 1989, the President announced that further bans on loans will be lifted in order to preserve "a level playing field for U.S. business" after stating the previous Saturday that he would not recommend other nations lift their sanctions until it was clear that China was easing its repression.

(4) Satellite Launches: On December 19, 1989, the President waived Congressional restrictions and authorized the transfer of three U.S. built telecommunications satellites (the Asiasat and two Aussat satellites, all built by Hughes Aircraft) to be launched by the Chinese Long March missile, announcing that the satellites would "be controlled for civil use."

(5) Chinese Student Visas: On November 30, 1989, the President vetoed legislation sponsored by Representative Pelosi that would have waived for 4 years a requirement that Chinese students holding a J-1 visa return home for 2 years after their studies. The measure had passed the House by 403-0 and in the Senate by a voice vote. On November 23, Chinese authorities condemned the bill stating that it would "seriously jeopardize United States-Sino educational exchanges." The President's veto of the bill according to administration officials cited in the *New York Times* on November 24 was because the President "did not want to offend the Chinese leaders if he could avoid it."

3. *Secret Missions To China.*—Second Secret Visit: On December 9, 1989, the White House announced that National Security Adviser Scowcroft and Deputy Secretary Eagleburger had arrived in Beijing on International Human Rights Day for talks with Chinese leaders. They were accompanied by Chase Untermeyer, the White House Personnel Director, who reportedly had been instructed by the President to meet with two Chinese friends of the President's, one reportedly a mid-level

government official, the other not, in order to obtain "a pulse of the people." The visit was only announced after the officials had arrived in Beijing.

The administration claimed that it had briefed members of Congress about the impending visit. The President in his press conference on January 26, 1990, claimed that "we've bent over backwards to keep people informed in Congress * * * when this matter was disclosed by us, we immediately briefed Congress on what it was we intended to do, why we did it. And so, I don't think there's any real lack of consultation."

Initially, the administration claimed that the purpose of the visit was to brief China on the results of the Malta Summit although the "briefers" were at a higher level than those briefing other American allies in the region, such as South Korea and Australia. Secretary Baker said on December 10 that the visit was to give the Chinese a "readout" on the Malta visit but that Scowcroft used the occasion to raise other concerns. According to the *Washington Post* of December 15, Scowcroft asked China to (1) lift martial law, (2) cease jamming of VOA broadcasts, (3) permit a VOA correspondent to return to China, (4) halt missile sales, and (5) resolve the case of Fang Li-zhi and his wife who remain in the American embassy. Baker stated that "we wanted to try and find ways to preserve it [the United States-PRC relationship]."

Scowcroft in his toast to Chinese leaders during a banquet in Beijing stated that his visit was to "seek new areas of agreement" and that they had come "as friends to resume our important dialog." Furthermore, he stated that "we extend our hand in friendship" and insisted that we should not "exhaust ourselves in placing blame for problems that exist." In toasting Deng Xiaoping, Scowcroft declared that "in both our societies there are voices of those who seek to redirect or frustrate our cooperation. We both must take bold measures to overcome these negative forces."

On the ABC News television program "This Week With David Brinkley" on January 7, 1990, General Scowcroft was asked who were the "negative forces" to which he referred in his Beijing toast. Scowcroft replied: "I—you know, I think it is in the United States national interest that we have a productive relationship with China. It started in 1972. I believe that the evolution of China since 1972, not because of but in part consequent to that relationship, has been beneficial."

"I suggest there would have been no Tiananmen Square had there been no opening to China in 1972. Remember the opening to China took place at the height of the cultural revolution when terrible atrocities were taking place there."

The First Secret Mission: On December 18, 1989, 16 days after the second mission to Beijing was announced, CNN Television carried a report that a secret mission had taken place earlier. The White House confirmed that day that such a trip by both Scowcroft and Eagleburger had taken place in early July. No specific date has been given for the visit or any clear indication of what discussions took place. According to an article in the Washington Post, the trip took place over the July 4th weekend although the White House Press Office would not confirm a date.

Earlier, on December 10, Secretary Baker assured the American public in a television interview that the December 2 visit had been "the first time we've had—we've had high-level United States officials go to the People's Republic of China." After disclosure of the earlier visit on December 18, Secretary Baker on December 19 suggested that he "may have misled" the public and Congress on how many secret missions to Beijing had taken place. The State Department Press Spokesman, Margaret Tutwiller, later stated that "Secretary Baker does not feel that he lied."

So far, officials have refused to discuss in detail the earlier visit. General Scowcroft in an interview on ABC News on January 7 stated that "What we were trying, in June [sic], was to convey to the Chinese the import, the consequences, in the United States, and to their own interests, as we saw them." When asked why the mission was secret, Scowcroft said that "first of all, we never probably would have gotten there. They would have said, this is a matter for the internal—internal Chinese matter. We don't want to talk to you about it. What we were trying to do is to get a message across. I think we got the message across. Whether it was successful, I don't know." Scowcroft did not elaborate as to what the message was.

President Bush in a press conference on January 26, 1990, stated that the July trip was "to see to make clear to the Chinese leadership that the relationship is important but that it could not go forward until certain changes were, had taken place. And that, in sum, is what it was about." When asked on whose initiative the visit was, the President said it was, "mine; My initiative."

4. *Chinese Actions.*—Posiitive Developments: The administration points to several developments that it believes indicates Chinese responsiveness to their initiatives.

In December the Chinese Foreign Ministry issued a statement suggesting that they would not send missiles to the Middle East. An identical assurance had been given by the Chinese Foreign Ministry in November but that had been so insufficient that the Chinese Ambassador was called in for consultations. A similar assurance had been given in February 1989 during the President's visit to Beijing and to Defense Secretary Frank Carlucci in 1988. As noted above, an Arab-language newspaper in London reported last month that the deal is still on.

On July 9, White House Chief of Staff John Sununu said on CBS's "Face The Nation" that the delivery of the Boeing planes had been approved because of indications that Chinese leaders " 'were going to try to extend the hand [of conciliation] back to the students.' " It was later reported that Boeing aircraft had been used to ferry Chinese Army soldiers to Beijing just before the June massacre.

In December, following the second mission to China, the Chinese permitted the accreditation of one VOA correspondent but this marks a reduction in VOA staff from a year ago when they had two correspondents and a stringer.

On January 11, 1990 martial law was lifted in Beijing however, unauthorized rallies and marches are still banned. As the *New York Times* reported on January 12, "students and workers can still be arrested or see their careers and those of their families ruined if they take on the Government* * *"

Resumption of the Fulbright Exchange Program covering 24 scholars is reportedly under discussion.

Negative Developments: There are no clear indications of major shifts in Chinese policy.

Repression continues. The government announced about 2,500 detentions by the end of June but since then has not provided any information concerning the number arrested. In January 1990 the Chinese authorities ordered its security forces to use "whatever force is necessary" to crush worker demonstrations and police surveillance is reportedly on the increase following the lifting of martial law in January 1990. The Ministry of Public Security ordered the full national implementation of regulations on carrying and checking residents' identification cards as of September 15 which must be carried at all times when out of doors. Martial law has been enforced in Tibet since March 1989. A worker in Dalian, Xiao Bin, was sentenced to 10 years' imprisonment for expressing personal views on the Beijing massacre to an ABC news crew. A student was sentenced to nine years for informing the VOA about antigovernment demonstrations.

The government has begun a massive disinformation campaign, claiming that the democracy demonstrations were part of a counterrevolutionary rebellion. Recently the government barred reporting on events in Romania.

Religious persecution also continues. As noted above, the Catholic Church has had several bishops, priests, and lay people arrested. Their status is unknown as is that of many Tibetans. On September 14 and 25 the *Tibet Daily* published the names of 14 Tibetan Buddhist nuns who had been sentenced to 2 to 3 years of "labor education" for demonstrating in Lhasa.

Beatings and torture also continue to be commonly reported in China and in Tibet.

Students are undergoing a major re-education campaign. They are forced to write papers on their "change in thinking" as a result of political study sessions. The State Education Commission issued a 15 point provision code of conduct in November for students mandating that they adopt "a firm and correct political orientation," setting guidelines for their behavior from morning to night. Beijing University's first year class was sent to a camp for a year of military training and political indoctrination. The *Washington Post* on December 2 reported a new police dragnet spread for dissident students. The number of students admitted to universities in the fall 1989 semester was reduced by 30,000, primarily in the social sciences.

Chinese officials continue to be critical of the United States. In August they claimed that the United States was directly supporting the democracy movement. An article in the June 14 issue of *Renmin Ribao* chided "a handful of people in the United States who are hostile to Communism and who have tried by every possible means * * * to establish a capitalist republic in China." On June 16 Deng Xiao-ping warned that Chinese must not become a "vassal state" of the West and suspended the pending Peace Corps program and Fulbright exchanges. China condemned the Congressionally passed sanctions on China as "the hegemonist act of the U.S. Congress," accusing the United States of failing to honor "its commitments."

On December 24 the Chinese blocked a statement in the United Nations concerning the turmoil in Romania, fearing the influence of developments in Romania on their own domestic situation.

An economic austerity program was announced at the Third Plenum of the Chinese Communist Party meeting in September 1989 in order to control inflation. Workers have been laid off or are paid in kind rather than in cash. The government has been reasserting centralized control of the economy, moving away film the economic liberalization policies that promoted special enterprise zones.

In Hong Kong, the Chinese government is sending signals that it will not respect freedoms currently guaranteed to the Hong Kong people. China has recently declared that only one third of the legislature will be freely elected after 1997 when Hong Kong reverts to the Mainland's control.

PREPARED STATEMENT OF MARTIN C.M. LEE, OF THE HONG KONG LEGISLATIVE COUNCIL

In response to the request for written testimony for the February 7 public hearing on United States relations with China, I would like to address the question of the 1997 transfer of sovereignty over Kong Kong. I will confine my remarks to issues surrounding the Hong Kong Basic Law, particularly those provisions dealing with the future political system of the post-1997 Hong Kong Special Administrative Region (HKSAR). In addition, I have provided brief suggestions as how Great Britain might respond to the current draft of the Basic Law.

I. Background to the Basic Law

The Basic Law, which is currently in its final drafting stages, will serve as Hong Kong's post-1997 constitution. The purpose of the Basic Law is to put into law the promises contained in the 1984 Sino-British Joint Declaration on the Future of Hong Kong, the treaty in which Britain agreed to transfer its sovereignty over the territory to the people's Republic of China. In the Joint Declaration, the transfer of sovereignty was to be based on the formula of "one country, two systems," and the basic principles of the Joint Declaration were: Hong Kong people ruling Hong Kong with a high degree of autonomy through a fully elected legislature, to which the executive is accountable.

At this point, an increasing number of people in Hong Kong view the 5-year Basic Law drafting process as a Beijing-controlled force. Despite repeated Chinese pledges to respect the opinions of Hong Kong people, the most recent political sub-group meeting of the Basic Law drafting committee adopted a post-1997 political model for Hong Kong that previously had been publicly rejected by virtually every political and community leader in Hong Kong. After pushing the model through the January meeting of the political sub-group (where it was even rejected by all but one of the Beijing-appointed Hong Kong drafters), Li Hou, the Chinese official responsible, stressed that the model had been approved in line with the Mainland-dominated committee's "democratic procedures."

Hong Kong people are fearful that Beijing has decided that it no longer will be bound by the promises it made in the Joint Declaration. Beijing insists that it is adhering to the letter of the Joint Declaration, but its contentions ring hollow. The Joint Declaration's Annex I provision that Hong Kong's post-1997 legislature "shall be constituted by elections," the sophists in Beijing contend, does not imply direct, one-person one-vote elections, as in the rest of the world's democracies. Similarly, the treaty's provision that the executive authorities "shall be accountable to the legislature" is true only in form but not in substance in the current draft.

II. The Relationship Between the Executive and Legislature in the Basic Law

As clearly conveyed in The Federalist Papers, debates over the U.S. Constitution often focused on the proposed relationship between the executive and legislative branches. The need for balance of power between the legislative and executive branch is even more acute in Hong Kong's situation because the Chief Executive will not be democratically elected. According to the present version of the Basic Law, the Chief Executive will be selected by a Beijing-appointed "election committee," and people in Hong Kong fear that the Beijing will thus control the actions of the Chief Executive. (Basic Law Article 45 and Annex I).

Given the very close ties that are likely to exist between the Chief Executive and the central government in Beijing, it is imperative that the Chief Executive, as promised by the Joint Declaration, "be accountable to the legislature." Such accountability is sorely lacking in the present draft of the Basic Law. Currently, if the legislature overrides the Chief Executive's veto of a piece of legislation, the Chief Executive has the power to immediately dissolve the legislature. (Article 49). The Chief Executive also has the powers to dissolve the legislature if it refuses to pass the Chief Executive's budget or any other important bill. (Article 50). Hence, at any point the Chief Executive has the power to dissolve or threaten to dissolve a legislature that is at odds with him or her. By contrast, the final power to impeach and remove the Chief Executive lies not with the Hong Kong legislature but with the central government in Beijing. (Article 72).

The power imbalance between the legislature and the executive is further exacerbated by the very limited law-making powers of the legislature. Members of the legislature have no right to introduce bills relating to public expenditure or to the structure or operations of the government. (Article 73). Furthermore, prior written consent of the Chief Executive is necessary before a legislator can introduce a bill "relating to government policies"—a potentially all-encompassing prohibition against legislators introducing bills. (Article 73).

In sum, then, the legislature will have vary limited powers and will be under constant threat of dissolution by the Beijing-appointed Chief Executive. The lack of checks and balances between the executive and legislature means that China will not bring into practice the Joint Declaration's pledge of Hong Kong people ruling Hong Kong with a high degree of autonomy. What the Basic Law envisions is Beiing's appointees ruling Hong Kong in a way amenable to Beijing.

III. Structure of the Post-1997 Hong Kong Legislature

Further undermining the balance of power between the legislature and the executive is the undemocratic nature of the legislature. The Beijing political model for Hong Kong's post-1997 legislature has three major flaws: (1) a sharp limitation on the number of legislative seats directly elected by universal franchise; (2) the dominant role in the legislature given to non-democratically chosen members; and (3) a divisive split-voting scheme that aims to frustrate the law-making abilities of democratically elected members.

Limitation of the numbers of democratically elected legislators. The current Beijing model declares that only 30 percent of the post-1997 legislature shall be democratically elected through a universal franchise. Such a limitation clearly contravenes the Joint Declaration's promise of a legislature "constituted by elections."

Dominance of non-democratically chosen legislators. The other 70 percent of the legislature is to be composed of members chosen through "functional constituencies" (50 percent) and a so-called "Election Committee" (20 percent). The functional constituencies are predominantly conservative groups such as commercial and professional associations, which Beijing feels will select non-confrontational representatives. Beijing has yet to announce the details of appointment to the "Election Committee," but many people here fear it will be a group hand-picked by and under the control of China.

Beijing's public rationale for a legislature in which 70 percent of the members are not democratically elected is that such a legislature would better provide for Kong Kong's stability and would be more representative of Hong Kong people. People in Hong Kong, however, naturally feel that such an undemocratic legislature would do neither; to us, Beijing's sole purpose seems to be to ensure as toothless and as pliant a legislative body as possible. People here wonder how readily the citizens of Czechoslavakia or East Germany would embrace Beijing's "elections" plan.

A two-group split-voting scheme. In an effort to further control democratically elected legislators, the current Beijing model requires that any bill introduced by a legislator be passed by separate majorities of two 30-member groups of legislators. The first group is that of the 30 functional constituency legislators, and the second is composed of the 18 directly elected members and the 12 members chosen by the "Election Committee." Although bills introduced by the executive branch technically need to be passed by both legislative groups, the government can easily escape the separate-group requirement. For, if it makes any amendment whatsoever to its original bill (i.e., changes a comma), the government can then put forward its hill for approval of the entire 60-member legislature, where democratically elected members will occupy only 30 percent of the seats.

The split-voting scheme will probably prove to be very divisive, as it will pit democratically elected legislators against those chosen through the functional constituencies and the "Election Committee." In addition, it will give the functional constituency legislators the power to veto any proposed changes to the legislature's structure that would not be in that group's self-interest.

IV. Subversive Acts State of Emergency, and Power to Amend and Interpret

Three further issues in the Basic Law are very threatening to Hong Kong, especially in light of the June 4 Tiananmen Massacre and its aftermath. The first is the December 1989 insertion into the Basic Law of a provision outlawing activities in Hong Kong that are "subversive." (Article 23). What makes this amorphous clause more ominous is that Beijing has reserved the right for itself to define what constitutes a "subversive" act. People in Hong Kong fear that Beijing will use this clause to imprison any critic that it deems "counter-revolutionary."

Second, the current draft of the Basic Law specifies that the central government, rather than the Hong Kong Government, has the power to declare a state of emergency in Hong Kong and thus authorize the use of PLA troops. After the declaration of martial law in Beijing in May and the bloody suppression of the democracy movement, people in Hong Kong are very worried about Beijing's retention of this power.

Third, and perhaps most significant in the long term, is that Beijing maintains the power to interpret and amend unilaterally any and all provisions of the Basic . (Articles 157 and 158). If Beijing finds any aspect of the political system in Hong Hong objectionable, for example, it can simply amend the Basic Law.

Despite, moreover, the Joint Declaration's provision that Hong Kong courts shall have the "power of final adjudication," Hong Kong courts must follow the binding judgment of the central government, on any issue "concerning affairs which are the responsibility of the Central People's Government, or the relationship between the central Authorities and the Region." (Article 157). In other words, the central government writes, amends, and interprets the Basic Law, and then it empowers itself to decide if its actions are in accord with the document it has written.

V. What the British Government Should Do

The British Government is currently negotiating with the Chinese Government about the pace of political reform in Hong Kong. The British Government has repeatedly promised that it would establish a democratic system in Hong Kong prior to 1997. For example, in the House of Commons debate on the Joint Declaration on December 5, 1984, then Minister of State responsible for Hong Kong, Mr. Richard Luce, stated: "We all fully accept that we should build up a firmly-based democratic administration in Hong Kong between now and 1997." Despite all Britain's promises, however, not one member of the Hong Kong Legislative Council has to this point been democratically elected by one-person, one-vote universal suffrage—not one member from a citizenry that is one of the world's most modern, well- educated, and well-informed.

Beijing's viewpoint on the issue has been straightforward: Beijing believes that the best way to prevent any post-1997 democracy is to bully Britain into not implementing any meaningful pre-1997 reforms. And the British Government, eager to avoid a confrontation, has consistently caved in to Chinese pressure not to introduce democratic reforms.

People in Hong Kong are fearful that the past pattern will repeat itself in the current round of Beijing-London negotiations. Beijing threatens that if the British Government were to establish a substantially democratic system now, then there will be no smooth "convergence" in 1997 between the pre-1997 and post-1997 political systems. Britain, however, must not under any circumstances agree to a Chinese-dictated political reform plan that diverges from the care principles of the Joint Declaration. Any such convergence contrary to the Joint Declaration would be a dangerous act of appeasement. Far from providing for stability, British appeasement of China would cause severe instability in Hong Kong, and would render the Hong Kong Government a useless lame duck.

Britain must stand up to China. Although no one here wishes to have a confrontation with china, people in Hong Kong have stated in a virtually unanimous voice that Britain cannot back away from the terms of the Joint Declaration. Since it is our future and our stability that is at stake, Britain should pay close attention to the views of the territory's residents. Those views are remarkably consistent and have been repeatedly staGed; give Kong Kong democracy now.

People here are convinced that the firm establishment of democratic institutions before 1997 is the only way to provide for democracy after 1997. If there are no democratic institutions after 1997, there are sure to be none after. Hong Kong's best hope lies in Britian's establishing democracy now, as it has full authority to do under the Joint Declaration. Britian can then spend the next 7 years proving to China that democratic government can work in Hong Kong and, indeed, is essential if today's vibrant, economically powerful Hong Kong is to survive the 1997 transition.

COMMUNIST CHINESE MILITARY DICTATORSHIP

Arms Khmer Rouge.
Occupies Tibet.
Delivered missiles to Saudi Arabia.
Sold missiles to Syria.
Signed military technology transfer agreement with Iran.

Millions killed in political campaigns.

Nation-wide slave camp system.

Torture and executions.

Forced abortions.

Suppression of human rights: freedom of speech; freedom of press; freedom of religion; freedom of assembly; and dur process of law.

COMMUNIST CHINESE ARMS SALES

Iran—Military Technology Transfer Agreement: Source: Reuters, January 21, 1990.

Iraq—Nuclear Weapons: Source: Middle East markets as quited by Washington Times, December 14, 1989.

Syria—Ballistic missiles: Sources: Jerusalem Post, December 12, 1989 and FBIS-NES-90-004, January 5, 1990.

Libya—Ballistic missiles: Source: Jerusalem Post, December 12, 1989.

Saudi Arabia—Ballistic missiles: Source, Washington Post, June 23, 1988.

Pakistan—Nuclear weapons: Source: Middle East markets as quited by Washington Times, December 14, 1989.

STATEMENT FROM A CHINESE STUDENT IN NORTH CAROLINA

1. *What I know about the facts of Chinese human rights conditions.*—Since the crackdown of pro-democracy movement last summer, the Chinese human rights conditions are becoming worse and worse. Instead of repeating the news came out from Associated Press, I want to quote some of the letters from my friends and family members:

We have to study Deng's speech, Jiang's speech twice a week, I cannot concretrate on my research because the police questioned my activities during the student movement. One of the teacher in Chemistry department had been arrested because he made a speech on June 4. I wish I can have a quiet Chinese New Year.—From a friend in Zhongshan University

I have to demand the students to study all those political material, although nobody believes them. Anyway, you have to waste all the time to make sure you catch the political main stream. Some of the students asked lots of questions, I can not answer. But everybody knows that the government is in big trouble now.—From a family member

The Chinese New Year is coming, police are everywhere, I never know there are so many police. I guess what the government took out from our salary (to buy national bond) is going to the pockets of all those policemen.—From a friend in Canton, China

I regret my decision to stay in China. One of my collegues was round up without charge, up to today, he is still in jail to wait for treatment (means wait for persecution). I do not think I am safe now, I can [illegible] put to jail anytime, and I will not know what's the charge. I just prepare to get out of the country as soon as I can.—From a high school classmate in Canton

According to the reports came out from China, many pro-democracy intellectuals and scholars are facing the persecution of the Chinese government. Some of them, like Mr. Tong Bao, Mr. Zhiming Chen and his wife, Mr. Xiaobo Liu, Mr. Juntao Wang, are in jail, facing death penalty and lifetime sentence. The others, like some of my classmate and friends, are living in terror. The communist party keep monitor their activities and take out freedom from them.

Many of my friends can not continue their research or study, because the Chinese government destroys and hides out many research materials which be considered as "capitalism documentation.". In Zhongshan University of Canton, the books written by pro-democracy scholars have been withdraw from the university library, and the replacements are those tedious booklets about Marxism, Communist, and Deng's personal works selections.

Many of my friends have been striped off the freedom of traveling, freedom of doing business and, of course, freedom of expressing their own opinions. One of my friends went to Beijing last fall, he was treated brutally by the troop because he didn't bring his traveling certificate (besides his residence ID and working ID). Mr. Lee, one of my high school classmates, was forced to close his little bar in Guangzhou because the officials thought the bar spread out so-called "capitalism lifestyle."

Many workers in my hometown are forced to buy national bond with 15 percent of their already low salary. Because the Chinese government slow down the economics and the western countries post sanctions after the crackdown, many factories do not make money anymore, and the workers have to live on their very low basic salary, the living conditions are unbearable.

Although the situation looks stable, China is like a potential atomic bomb. It is possible to have uprising any time.

2. *The long term United States-China relationship depends on whether the United States Government stands with the Chinese people.*—In history, there were many frustrations in United States-China relationship. For example, General Stiwell did not go along with the nationalist government very well. But when the Communists came, they posted departure to every United States diplomat. And then came the Korean war.

The important reason of all those frustrations is the United States Government don't know how to handle the relationship with the Chinese government and Chinese people. Mr. Bush always mentions the effort to make during culture revolution to open China's door, evidently that was a very successful mission. But at that time, China was closing its door completely, people didn't know what the outside world looked like, they never tasted freedom, and they loved the government and supported the government blindly. In the moment, it was a great idea to deal with CCP government.

But if you want to compare the secret trip of Mr. Snowcroft with the secret trip of Kissinger, you will know things are different now. After Deng took over the power, China have 10 years economical reform. Despite of many western influence, Deng sticks on his socialism policy and never discusses the issues related to human rights and political reforms. But, more or less, the Chinese people tasted freedom, and many of them know that China cannot be modernized under the Communist regime. Some seeks reform inside the government, some pushes the government peacefully from the society. The crackdown of pro-democracy movement and the following setback in economical and political reforms isolated the people and the government. And this government now is NOT supported by the people, they are only supported by the army. In history of China, no government can last long without support from the people. So, in the long run, the current policy to deal with the Chinese government will hurt the feeling of both Chinese people and American people, and will hurt the United States-China relationship in the future generation.

Practically, the economical sanctions are useless when you deal with Chinese government, because none of the countries in the world can be rich enough to control the whole economics of China. The effect of economical sanction always brings back Chinese nationalism instead of any change in the system.

But, the human rights issue, which is very sensitive in China, is a very good point to break. In my opinion, if Chinese people have their basic human rights, like freedom of speech, freedom of traveling, the Communism will vanish in China, because when the people have any chance, the first thing they want to do is to get rid of the Communist system and make their own living. By concerning the human rights of China, we will send the message of freedom to the Chinese people, and ecourage them to overthrow the Communist system.

CONCLUSION

Under current situation in China, for the long term United States-China relationship, the United States Government should spend more time to take care the human rights condition of Chinese people, should work side by side with the pro-democracy force inside and outside China to realize the democracy blueprint of China.

I wish you can avoid to expose my name so that myself and my family member (they are still in China) can be safe.

CONVICT MADE GOODS; IMPORTATION PROHIBITED

"All goods, wares, articles, and merchandise, mined, produced or manufactured wholly or in part in any foreigh country by convict labor and/or forced labor and/or indentured labor under penal sanctions shall not be entry at any of the ports of the United States, and the importation thereof is hereby prohibited."

DANGER OF TERRORIST ATTACKS ON LEADERS NOW SEEMS A REALITY

The danger of terrorist attacks on China's leaders seems to have turned from a fear into a reality.

A bomb exploded in one of the four black Mercedes that made up a convoy carrying China's security chief, Mr. Qioa Shi, in the western suburbs of Beijing two weeks ago.

Mr. Qiao escaped unhurt. The explosion hit the first car and the nation's top policeman was in the third, which sped away from the area near Qinglong bridge, just north of the Summer Palace, as soon as the explosion was heard.

The source of this information said details of the incident remained a mystery. He did not know if the bomb had been planted inside the car or thrown from the outside and could not even be certain it was a premediated assassination attempt. Other sources could not confirm the event.

Mr. Qiao, the mystery man of Chinese politics, who wears an unchanging if subtile smile, is not as widely despised as some others at the top of the Politburo.

But in the complex web of tension and fear that now covers Beijing, the motive possibilities for a terrorist act are many.

Anger over June 4 will not disappear. The pain of Communist economics is again digging deeply into the stomachs of ordinary workers, perhaps the most potentially, who are threatening orgainzed action.

Students, intellectuals and reform-minded government officials still suffer unending investigations and criticism sessions, while the most absurd propaganda is broadcast about the glories of Communism.

When a crack appears in the security apparatus, such as one through which a bomb can slip, one remembers that the safety of a country's leaders depends on the loyalty of those who surround them.

Investigation of the Qiao incident, as far as the source knew, had not produced any evidence of who was involved in planning—presumably at least one person on the inside who could plant a bomb or instruct others about where the official convoy would be at a particular time.

Assassination attempts are virtually unheard of in China, in part because of the high level of secrecy surrounding leaders. If there have been other such incidents, word of them has been suppressed.

There is no evidence yet of any underground organization coordinating antigovernment activity, and it is hard to see how any could be set up without being noticed by the authorities.

Sporadic, disorganized stabs of violent dissent may be more likely in the near future. But a single, unforeseen event behind which the masses could rally could burst open the surface calm.

"Leaders know that if demonstrations start again, they aren't going to be as easy to handle as they were in June," said one Chinese intellectual.

Faced with few options. Chinese leaders appear to be banking on the hope that reforms in the Soviet Union and Eastern Europe go wrong and lead to military and civil chaos. If that happens, they will use this to justify their continued leadership.

Until then, they are doing everything possible to prevent any sign of dissent that might spark off unrest.

Martial law troops were put on first-degree alert late last month, and precautions were taken to monitor student activity. (British diplomats were so alarmed by the troop movements that the Foreign Office in London was telling journalists they believed a senior leaders, perhaps Mr. Zhao Ziyang, had died.)

Dozens of police were sited at the entrance to the Summer Palace, apparently positioned in case students from universities, several of which are located nearby, decided to try anything untoward.

Security around senior leaders has been stepped up. Mr. Wan Li's weekly tennis games at the International Club now require uniformed police to be stationed prominently around the grounds when he plays each Thursday afternoon.

On Friday night, a group of about 10 army trucks filled with soldiers was seen driving slowly through the Eastern end of Beijing, apparently patrolling the streets.

The leadership's traditional fear of intellectuals has lead them to renew attacks on people who throught they were already out of harm's way. The Ministry of Culture is said to have set up a group to formally criticise its former minister, Mr. Wang Meng. Writer Wu Zuguang and philosopher Li Zehou are also said to be the object of new attacks.

"Yes, they're going after intellectuals, as they always do. But lately they've been concentrating their efforts on the army," pointed out a government researcher.

Middle-level army commanders have come under intense scrutiny from a leadership that wants to be sure that orders are obeyed whenever they are issued, said one source.

If there were plans to lift martial law in Beijing, as some believe, they have been scrapped indefinitely.

One well-informed Chinese argues that a decision was made in mid-December to lift martial law on Christmas Eve, thereby giving the American Congress a Christman present.

By December 20, when the first of several Poliburo meetings was held to discuss Romania, the proposal was already under attack from conservatives. One can only speculate on the level of tension within Zhongnanhai.

The attack on Mr. Qiano and the shock of Ceausescu's sudden overthrow and execution, may have unified leaders in their resolve to maintain order.

But the coming months are filled with anniversaaries that could present opportunities for restive students or workers to let some of their simmering unhappiness out in the open.

Tomorrow is the anniversary of the death of Premier Zhou Enlai, still beloved for his reputation of moderation and level-headedness during radical times.

In March comes the first anniversary of martial law in Tibet. April 5 will mark 14 years since the original Tiananmen incident. April 15 was the day former leader Mr. Hu Yaobang died, which set off last year's protest movement. May 4 commemorates the rally that sparked an awakening among Chinese intellectuals. May 20 will mark a year of martial law in Beijing.

And then there is June 4.

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

The People's Republic of China (PRC) is an authoritarian one-party state ruled by the Chinese Communist Party (CCP). Following the Beijing massacre in early June, the Government reinforced totalitarian measures to control political views. A closed inner circle of a few senior leaders exercises ultimate power over the nation, with Deng Xiaoping the first among equals. Some of these party elders hold positions within the Politburo, the Central Military Commission, or other organs. Others hold no formal positions of authority but still wield considerable influence.

The Government maintains control through a nationwide security network which includes the Ministry of State Security; the Ministry of Public Security; the Ministry of National Defense; state judicial, procuratorial, and penal systems; and through traditional societal pressure. In 1989 the security network was responsible for widespread human rights abuses, especially in Beijing and Xing (Tibet).

Despite 10 years of economic reforms intended to expand the role of market forces, China's centrally planned economy still retains price controls and allocation of some key goods by administrative directive. The Government has decentralized some economic decisionmaking authority and endorsed the development of a small private sector, particularly in retail sales and services. As part of a comprehensive economic austerity and restructuring program initiated in late 1988, the Government took a more aggressive approach in scrutinizing private firms, punishing tax evaders, and attempting to limit the incomes of private entrepreneurs. The central authorities also withdrew some of the economic decisionmaking power delegated to lower levels.

The human rights climate in China deteriorated dramatically in 1989. On March 5-7, People's Armed Police (PAP) used indiscriminate and excessive force in suppressing demonstrations in Lhasa, Tibet, killing scores of persons. These killings and other serious human rights abuses, however, were dwarfed when the leadership ordered the People's Liberation Army (PLA) and other security forces to suppress forcefully a peaceful, student-led movement seeking greater freedom for China's people. At least several hundred, and possibly thousands, of people were killed in Beijing on June 3-4. The Beijing massacre was followed by a drastic, country-wide crackdown on participants, supporters, and sympathizers. Thousands were arrested and about a score are known to have been executed, following trials which fell far short of international standards, for alleged crimes committed during the unrest. There have also been persistent but uncrrmed reports of numerous unannounced executions. At year's end the crackdown was still continuing. The Government attempted to defend its actions by a massive disinformation campaign, expulsion and harassment of foreign journalists, a ban on the sale of books by dissidents, and the jamming of the Voice of America and some other foreign radio stations. Virtually all internationally recognized human rights discussed in this report are restricted, many of them severely.

RESPECT FOR HUMAN RIGHTS

SECTION 1. RESPECT FOR THE INTEGRITY OF THE PERSON

a. Political and Other Extrajudicial Killing

By far the most serious instance of extrajudicial killing in China in 1989 was the June 3–4 massacre in Beijing. Credible evidence indicates that the leadership deliberately ordered the use of lethal force to suppress peaceful demonstrations. The excessive force employed resulted in the deaths of many unarmed civilians. As noted above, estimates of the number killed vary widely, and an exact accounting may never be possible.

In early March, the PAP shot and killed scores of Tibetan monks and their supporters during demonstrations in Lhasa. Hundreds more, were injured as police used indiscriminate and excessive force to quell protests in support of Tibetan independence.

Many independent observers believe that the number of persons actually executed in connection with the 1989 demonstrations throughout the country is far higher than those officially announced to date. Confirmation of such executions is not available, and Chinese officials have refused to respond to diplomatic requests for information.

According to reliable sources, 2 persons were killed and 150 injured, 10 seriously, during an April police raid on an underground Catholic church service in Shijiazhuang, Hebei Province.

b. Disappearance

The Government, as a matter of course, does not publicly announce the names of those detained or arrested. In view of the large number detained after the Beijing massacre, concerns have arisen over the fate of those detainees whose status has not been clarified.

There were credible reports of numerous raids on university campuses, private residences, workers' dormitories, think tanks, and hotels in the weeks following the June 3–4 massacre by both the PLA and various security bureaus. Large numbers of persons who participated in or supported the spring demonstrations were detained. While most of these detentions occurred soon after the June massacre, the crackdown continued months later. When universities reopened, returning students were investigated, and some students were detained by security forces. The Government acknowledges that some students, such as Liu Gang, Zhou Fengsuo, Ma Shaofang, and others on the list of 21 most wanted, have been arrested; however, it has not publicly charged, or acknowledged holding, the majority of students reportedly detained whose whereabouts are unknown. Some workers at a computer firm that supported deposed CCP General Secretary Zhao Ziyang, journalists from Beijing-based newspapers, and intellectuals also remain unaccounted for. Since announcing a total of about 2,500 detentions by the end June, the Government has refused to comment on the number of additional detentions since that time or to provide any information on those detained.

Detention of leaders of unofficial religious groups continued in 1989, often with no notification to followers or family members. At least two dozen bishops, priests, and laymen of the underground Catholic church were detained during the year, and the status of several of them remained unknown at year's end.

The whereabouts and status of many Tibetans detained during demonstrations in Lhasa are also unknown. A security official told a Western journalist in October that 400 had been arrested after the March demonstrations and that 323 were subsequently released. Other reports from Tibet cite significantly higher figures.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Reports of torture and degrading treatment of persons detained for committing so-called counterrevolutionary crimes have been persistent and consistent. Many Chinese citizens who participated in the demonstrations suffered beatings and other forms of ill-treatment in police efforts to extract information about others who may have been involved in the demonstrations. A person involved in erecting the Goddess of Democracy statue in Tiananmen Square was reportedly detained, beaten, and forced to implicate others. He remains under detention, and it is not known if he has been officially charged. As of year's end, there were continuing reliable reports of beatings of political detainees in the Beijing area by security forces.

In Tibet officials have rebuffed diplomatic requests to visit prisons and to discuss individual human rights cases. Since the suppression of the March 5–7 demonstrations in Lhasa, there have been persistent and convincing reports of torture of those detained or arrested. A March 1989 report by U.S. Congressional staff related accounts, based on interviews with refugees from Tibet, of cruel and unusual punishment of Tibetans.

Conditions in Chinese prisons are invariably harsh and frequently degrading. According to press reports, more than 200 students and intellectuals are being held in the Qincheng maximum-security prison north of Beijing. Prisoners are reportedly packed eight to a cell. A person imprisoned prior to the June massacre reported beatings in prisons in western China. Prisoners, both criminal and political, are subjected to severe psychological pressure to confess their "errors." Those who resist are sometimes beaten and denied family contact. According to an official of the Supreme People's Procuratorate, cases under investigation concerning illegal arrests and the extraction of confessions by torture rose 57.7 percent during the first 6 months of 1989 as compared with the same period in 1988. The People's Procuratorates agreed to hear 21,838 cases involving charges of torture. Of these, 838 were major criminal cases.

d. Arbitrary Arrest, Detention, or Exile

China's Criminal Procedure Law proscribes arbitrary arrest or detention. According to the law, interrogation should take place within 24 hours of detention, and the detainee's family or work unit should be informed of the reasons for it and the place of detention. Articles 43-52 of the Criminal Procedure Law, however, permit the police to delay notifying the family and work unit "in circumstances where notification would hinder the investigation." Frequently family members are not informed when individuals are detained for political reasons. A detainee may be held legally for up to 10 days prior to formal arrest. In some cases, however, detainees have been held for months without charge.

Under article 19 of "The Regulations of the PRC on Administrative Penalties for public Security," police have the authority to assign persons accused of disturbing the peace, fabricating rumors, hindering government officials from performing their official duties, and other minor public order offenses to "labor education" camps for up to 3 years. According to an article in the official press in October, some 2 million Chinese citizens have been sent to these camps in the past 10 years.

Sentences imposed by criminal courts may be served in prisons or in "reform through labor" camps, whose function is not fully explained in the legal code. Many of these are in remote areas such as Xinjiang or Qinghai. Upon release from these camps, many prisoners reportedly have been denied permission to return to their homes and forced to remain in these underpopulated regions. This amounts to a form of internal exile.Some of those detained since the June massacre may be charged with "crimes of counterrevolution," under articles 90-104 of the Criminal Law. These articles are cast in such broad terms that they empower the State to detain people for a wide range of activities considered in violation of the law. Those detained for committing "crimes of counterrevolution" are treated in theory the same as those detained for other crimes, and their cases are supposed to be handled in accordance with the Criminal Procedure Law. The imposition of martial law in parts of Beijing in late May permitted martial law authorities to issue orders and detain people independent of the authority of the local Beijing government. Large numbers of people may be detained for long periods of time without any public notification while the PLA and police conduct their investigations.

In 1989 the number of persons accused of political offenses rose dramatically as a result of the spring demonstrations. The number of people initially detained and the number who remain under detention has not been released. Estimates of the number of detainees after June 4 vary from the 2,500 officially announced in late June to over 100,000 according to some journalists and human rights groups. Western press reports in December quoted "well-informed" government sources as putting the figure at 10,000.

Most of those detained appear to be manual workers. A number of prominent intellectuals were also detained, including journalist Dai Qing, former Democracy Wall prisoner Ren Wanding, reformist Party official Bao Tong, and several student leaders.

Some applicants for foreign visas have reportedly been detained and interrogated for at least several days.

Several hundred people connected with the March 5-7 proindependence demonstrations in Lhasa were subsequently detained. The Tibet Daily published on September 14 and 25 the names of 14 Tibetan Buddhist nuns who were detained and sentenced to 2 to 3 years of "labor education" for demonstrating in Lhasa on September 2 and 22. The nuns were detained for shouting in a public area slogans demanding independence for Tibet and were accused by the police of engaging in "separatist activity." The police detained the nuns and immediately adjudicated their cases under their own authority. Because of the secrecy surrounding these matters and the Government's refusal to discuss them, reliable estimates of the total number of political prisoners in Tibet, as in the rest of China, are not obtainable.

e. Denial of Fair Public Trial

China's judiciary is not independent but is controlled by the CCP. The highest court is the Supreme People's Court. The next level is the High Provincial People's Court, followed by the Intermediate Local People's Court, and then the Basic Local County People's Court. Separate and special military, maritime, and railway courts function directly under the Supreme People's Court.

In recent years the CCP and the Government have moved toward establishment of a more independent legal system. There have been efforts to define broadly stated laws more narrowly, including the provisions of the law on "crimes of counterrevolution," to make clear what are criminally indictable offenses. Programs have been set up to provide professional training for judges through overseas training courses to acquaint them with legal procedures in the West. Since June, however, the impetus for legal reform has waned.

Due process rights are stipulated under the Constitution but are often ignored in practice. The law requires that all trials be held in public, except those involving state secrets, juveniles, and "personal secrets." It also states that a defendant may be held in custody during investigation prior to the trial for a maximum of 2 months, although a 1-month extension may be requested from the next highest procuratorate. The procuratorate then has 1½ months to decide whether or not to prosecute the case. An additional month is permitted if "supplementary investigation" is needed. Any further delay requires approval of the Standing Committee of the NPC. In practice, the period of pretrial detention can be much longer. Two American citizens arrested for alleged fraud and forgery were held for 7 months before a decision was made not to prosecute.

The procuratorate sends to trial only those persons it determines are guilty. Persons appearing before the court are presumed guilty, and trials are thus, in effect, sentencing hearings. Defense lawyers almost never contest their client's guilt; their function is generally confined to requesting clemency. There is an appeal process, but initial decisions are rarely overturned, and sentences can actually be increased. Defendants are expected to "show the right attitude" by confessing their crime, and, because-hey are presumed guilty, those who fail to confess are treated more harshly.

The Government has publicly announced the executions of a score of persons who were tried and found guilty of crimes directly linked to the spring demonstrations. For example, three were executed in Shanghai on June 22 allegedly for burning a train, seven in Beijing on June 22 allegedly for "setting fire to military trucks, stealing military goods, and assaulting soldiers," and two in Chengdu in July allegedly for arson. A factory worker in Jinan was sentenced to death in late October for allegedly setting fire to a car, three in Chengdu in November for burning a cinema, and two in Beijing in December for beating a policeman to death.

The Government has repeatedly argued that those executed were "legally" found guilty of destroying government property or other internationally recognized crimes, and not of political offenses. The executions in Shanghai at least tend to belie the Government's assertion. On June 6, during demonstrations protesting the massacre of civilians in Beijing, a train ran over a group of demonstrators in the Shanghai suburbs, killing six. Angered by this, hundreds of people reportedly stormed that train or the next train nearing the station and burned it. A railway court convicted and sentenced to death three people for burning the train. No one was detained in connection with the death of the six demonstrators. The Government contended that the defendants were accorded their full rights. Serious doubts about the fairness of the trial remain, however, including the excessive sentences, the selection of these three persons for prosecution from among the hundreds involved, the hurried nature of the trial, and the mental competence of at least one of the defendants. Given the near total lack of procedural safeguards in these trials, government claims that the accused received "due process" are not credible.

Those arrested for crimes of counterrevolution frequently are tried in secret and family members are not informed of the charges or details of the case. Credible reports suggest that even years after the conviction and imprisonment of a person considered a dissident, family members still do not know the details of the alleged crime.

A number of political prisoners jailed in previous cycles of repression, notably "Democracy Wall" dissident Wei Jingsheng, remain in prison. Yang Wei, a former student in the United States who was jailed for 2 years for activities during the 1986 demonstrations, was released in January but detained again in July for involvement in the spring protests. Among those who have been tried and convicted for clearly political offenses during 1989 are Xiao Bin, who received a 10-year sentence for "spreading rumors" about the demonstrations to the American Broadcasting Corporation (ABC) television; Zhang Weiping, sentenced to 9 years imprisonment for telephoning information on Hangzhou protests to the Voice of America (VOA); and Chen Zhixiang, a teacher in Guangzhou who was given 10 years for painting a "counterrevolutionary" slogan. Persistent reports claim that many others, perhaps several hundred, have been secretly convicted of similar political offenses.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law requires that search warrants be issued before authorities may search premises, but it is often ignored. It is unlikely the army and the security forces obtained warrants prior to their raids on homes and businesses to arrest "counterrevolutionaries" for their role in the democracy demonstrations.

Personal and family life are extensively monitored and regulated by authorities. Most persons depend on their work unit for employment, housing, ration coupons, permission to marry or have a child, and other aspects of ordinary life. The work unit, along with the neighborhood watch committee, monitors activities and attitudes. In the wake of the demonstrations, authorities have redefined the function of the neighborhood watch committees, requiring them to work more closely with the Public Security Bureau. Mail is often opened and read, telephones monitored, and television cameras located at some key intersections, in luxury hotels, and in some buildings. After the post-Tiananmen crackdown began, the authorities produced television footage from clandestine cameras showing alleged Taiwan spies observing the Tiananmen Square demonstrations, and student leader Wuer Kaixi and other demonstrators eating at the Beijing Hotel.

The Government strictly regulates dealings between Chinese citizens and foreigners. Virtually all foreigners are forced to live separately in designated residential compounds, and all Chinese entering the foreign areas are closely monitored by guards and video cameras on roofs and in elevators. Residences of foreign diplomats, journalists, and businessmen are assumed to be electronically and physically monitored.

The Chinese Government maintains a comprehensive and highly intrusive family planning program. Individual and family decisions about bearing children are controlled by the State, with severe sanctions against those who deviate from official guidelines. The Central Government sets an annual nationwide goal for the number of births to be authorized. This is then apportioned among provinces, and further down through prefecture, county, town, and district levels. Ultimately, each work unit (village, factory, or government office) receives a target figure for births over the next few years. As the allotments are quite small, couples wishing to have a second child often must wait many years before receiving permission. In some areas, newly married couples have also been required to wait years before having their first child.

While strongly encouraging all couples to have only one child, Chinese policy allows two or more children for many rural families. Members of ethnic minorities, particularly in remote areas, are also generally not subject to the same strict limitations imposed on the Han majority.

Implementation of the policy varies widely from place to place and from year to year. In many areas, couples apparently are able to have several children without incurring any penalty, while in other areas enforcement has been excessively harsh. Periodic campaigns exhort all Chinese to have fewer children, to have them later in life, and to space them more widely. When national targets are not met, officials call for stricter implementation, and some have advocated more coercive methods than central government policy currently authorizes. Local officials have great discretion in how, and how severely, the policy is implemented.

Under China's national Marriage Law, women may not legally marry before age 20; men before age 22. In practice, early marriages are discouraged, an the press frequently extols the virtues of later marriage. Lack of available housing and other social concerns are often cited as additional reasons to delay marriage.

Couples are not allowed free choice about whether to practice family planning, how many children they may have, or when they may have them. In practice, most couples have little choice concerning the form of birth control to use.

The population control policy relies primarily on heavy doses of education and propaganda, augmented by severe psychological pressure on those who resist. Disciplinary measures against couples who violate the policy include stiff fines (often as high as a year's salary), withholding of social services, demotion, and other administrative punishments. If a unit exceeds its allocation, punishment may be meted out to the offending couples, to unit officials, and to the unit as a whole. Some local officials have reportedly destroyed or confiscated the private property of families with unauthorized children if fines are not paid. In 1988 a Chinese couple studying in the United States, Dr. Li Quanbang and Ms. Ping Hong, were threatened with severe punishment if Ms. Ping refused to abort her second child before returning to China. Ms. Ping's employer warned her that, if she returned, she would have to have an abortion even in the third trimester of pregnancy. If she insisted on having the child, she would be placed on probation and the entire factory would be punished. Eventually the authorities relented, but the U.S. Government determined that the Li family and a few other Chinese couples who faced similar situations had demonstrated a well-founded fear of persecution and granted them asylum in the United States.

Physical compulsion to submit to abortion or sterilization is not authorized, but continues to occur as officials strive to meet population targets. Reports of forced abortions and sterilizations continue, though well below the levels of the early 1980's. In early 1989, a U.S. Congressional staff delegation interviewed Tibetan refugees in Nepal. They, and some previous news stories, reported harrowing accounts of abuses in Tibet.

Chinese officials have consistently maintained that China does not condone forced abortion and sterilization and that officials who commit such abuses are punished. They admit, however, that such punishment is rare and have refused to provide documentation of any punishments.

Female infanticide also persists in some rural areas. Insistence that local officials meet population goals has contributed to the reemergence of this traditional practice, generally by parents who hope to have more sons without incurring official punishment. There are allegations that some Chinese officials and doctors have participated in infanticide or in abortions so late in pregnancy as to be tantamount to infanticide. The Chinese Government strongly opposes infanticide, to the point of prosecuting offenders, but has been unable to eradicate it.

One recent development in China's population control policy was the passage in November 1988 of a set of eugenic regulations in Gansu province prohibiting people with severe mental handicaps from having children. Provincial officials estimate the rules will affect some 26,000 persons whose intelligence quotient is judged to be 49 or lower. Should any of these persons decide to marry, one partner must be sterilized and any pregnancies compulsorily aborted. Officials claim that permission for any operation requires the consent of a mentally competent relative but acknowledge that heavy psychological pressure may be employed to obtain consent. As of December 1989, provincial officials said that 1,714 persons had been identified as requiring sterilization, and 731 operations had been performed. According to a Health Ministry official, the Government is drafting a new law to extend the ban nationwide.

Despite a decade of efforts, officials acknowledge that population growth has significantly exceeded the national targets and that the goal of holding China's population to 1.2 billion by the end of the century will not be met. This realization, together with a recent escalation of official rhetoric, have led some observers to suggest that China may be entering a new cycle of strict enforcement of family planning policies, after a period of relative relaxation.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

On June 3-4, in order to clear peaceful demonstrators who had occupied Tiananmen Square for several weeks, PLA troops fired heavily and indiscriminately at crowds in the approaches to and around Tiananmen Square, resulting in at least hundreds of deaths and thousands of injuries. Some were crushed by military vehicles driven into the crowd. The PLA also suffered scores of casualties as enraged citizens fought back. According to Western diplomats, some PLA casualties also resulted from soldiers accidentally shooting or injuring other soldiers. While it is difficult to know precisely how many civilians died or were injured, the numbers are certainly far greater than those cited by authorities. Mayor Chen Itong, in a speech before the National People's Congress Standing Committee on June 30, said over 200 civilians were killed, including 36 students, and 3,000 injured, with "dozens of soldiers and police killed and 6,000 injured." Hospitals and human rights groups, however, provided much higher estimates. Visiting several hospitals in Beijing after the June 3-4 massacre, diplomats and other observers viewed scores of dead civilians, including women and children, with bullet wounds and other injuries, and heard from medical personnel the hardships the hospitals faced in treating the dead and injured. At one hospital, doctors said that on June 3, 50 civilians had died from bullet wounds in their hospital alone.

The authorities clearly used excessive deadly force against the demonstrators. While they used tear gas and rubber bullets briefly in some areas of Beijing, the PLA and security forces relied primarily on lethal force rather than traditional riot control techniques to clear demonstrators from the roads leading to Tiananmen Square. Foreign diplomats and their families did not escape the heavy-handed actions of the PLA. On June 7, PLA soldiers, allegedly returning fire from a sniper, shot at a diplomatic housing complex, spraying scores of apartments with gunfire but causing no casualties. Chinese authorities have produced no evidence that a sniper was actually present in the compound and firing at the PLA.

Security forces used excessive force in breaking up a religious ceremony and demonstration by members of the underground Catholic Church near Shijiazhuang, Hebei Province in April, leaving 2 civilians dead and at least 150 injured.

In another major incident involving the use of excessive force during demonstrations in Lhasa on March 5-7, police shot and killed scores of Tibetan monks and their supporters.

SECTION 2. RESPECT FOR CIVIL RIGHTS

a. Freedom of Speech and Press

Freedom of speech and self-expression are severely restricted. Limited criticism of government policies and officials is tolerated and had increased in recent years. However, the limits were tightened again after June 4. Citizens are not permitted to criticize senior leaders or to express opinions contrary to the "Four Cardinal Principles:" Marxism/Leninism/Mao Zedong thought as the theoretical foundation of the State, socialism as its goal, Communist Party leadership, and the "people's democratic dictatorship" (which includes the right to use force against "counter-revolutionaries").

Those who violate these guidelines frequently are severely punished. Xiao Bin, a worker in Dalian, was sentenced to 10 years imprisonment for expressing personal views on the Beijing massacre to an ABC news crew, and Zhang Weiping, a student, was sentenced to 9 years imprisonment for informing VOA about antigovernment demonstrations.

Renowned scientist and dissident Fang Lizhi sent senior leader Deng Xiaoping an open letter on January 6 appealing for amnesty for political prisoners. On February 16, 33 prominent intellectuals signed an open letter to the national leadership supporting Fang's call for amnesty. The Government attacked the letter in the official press on February 23 and later characterized it as an act of "counterrevolution." Some signatories have since fled China while others have been detained. Security forces stepped up surveillance of Fang and restricted his movements. He and his wife Li Shuxian were physically prevented from attending a banquet in Beijing hosted by President and Mrs. Bush. In June Fang and Li took refuge in the U.S. Embassy, after which the Government charged them with criminal "counterrevolutionary" activity and named them as key "conspirators" in the student demonstrations.

Television and radio are strictly controlled by the Government and used to propagate the party's version of events. In the wake of the June 3-4 events, the authorities began a massive disinformation campaign, asserting that the spring demonstrations had evolved into a counterrevolutionary rebellion led by a few conspirators. State Council spokesman Yuan Mu claimed on June 16 that only 300 had died on June 3-4, half of them PLA soldiers. Regular programming was replaced by special programs giving the CCP's version of events. These programs were broadcast several times a day for weeks., In July China Central Television (CCTV) broadcast a four-part program conveying the official version of the massacre. Events were altered to suggest that the troops had been called in to "quell a riot" rather than that troops fired on peaceful demonstrators who then reacted in a rage. Again on September 23, CCTV televised a special program countering charges by activists in the United States and featuring comments by Liu Ziaobo, detained since June, denying that anyone had died in Tiananmen Square. In the wake of the massacre, television news constantly replayed assertions of government officials such as Yuan Mu and selected remarks by the handful of foreign observers supportive of the Government position.

Following the imposition of martial law in Beijing, the Chinese cut off the satellite feed for U.S. network news services. Security authorities and PLA soldiers on the night of June 3-4 detained two U.S. reporters along with a number of other foreign journalists. In the aftermath, authorities severely restricted the movements of foreign journalists, harassing and expelling several of them.

After an 11-year moratorium, the Government resumed jamming VOA Chinese-language broadcasts on May 21. The official press has harshly attacked VOA reports, claiming that they were part of a Western conspiracy to subvert China. Chinese authorities confiscated film from foreigners leaving the country and insisted on developing it for review and censorship.

Restrictions on the publication of books and other printed material, which had generally eased during the 1980's, have become much more stringent since June. Print media, like the broadcast media, have been used to disseminate disinformation about the spring demonstrations and the Government's crackdown.

A number of journalists were detained or otherwise officially harassed in 1989. During the demonstrations, then Shanghai Party Secretary Jiang Zemin sacked the editor of the World Economic Herald, Qin Benli, and closed the newspaper, silencing one of the country's few independent journalistic voices. Since June, Qin has been under investigation. His Beijing bureau chief was arrested and several staff writers are still detained. Other journalists apparently still under detention include personnel from the government mouthpiece People's Daily, the official English-language China Daily, Guangming Daily, and Radio Beijing. Others have been dismissed from their jobs for printing material at variance with the party line, including editor Tan Wenrui and director Qian Liren of People's Daily, publisher Zhang Li and editor Li Jiawei of the Sichuan Provincial Social Science Academy Publishing House, Editor-in-chief Yao Xihua of the Guangming Daily, Editor-in-Chief Li Xiaoshi and Deputy Editor-in-Chief Sun Changjiang of the Science and Technology Daily.

On July 17 the Government temporarily removed from the newsstands foreign language newspapers, magazines, and publications in order to limit access by Chinese citizens to foreign news and to consolidate government control over the importation and distribution of foreign printed material. While the ban was lifted at the end of August, tighter control on distribution has enabled authorities to censor foreign language material more effectively. For example, several issues of the Far Eastern Economic Review were withheld from newsstands or had offending articles removed. More recently, foreign media reports on the overthrow of Romanian dictator Ceaucescu have been barred from distribution.

The Government reportedly has also banned publications by activists and other authors considered unacceptable. Writings by astrophysicist Fang Lizhi and his wife Li Shuxian, investigative journalist Liu Binyan, playwright Su Xiaokang, intellectuals such as Su Shaozhi, Bao Tong, Jin Guantao, Ge Yang, Cao Siyuan, Li Honglin, Zhang Zianyang, Dai Qing, Liu Xiaobo, Yan Jiaqi, and dozens of others have reportedly been banned. Li Ruihuan, member of the Standing Committee of the Politburo, on August 24 announced a campaign to "clean up and rectify" the publishing and audiovisual industries. Li said the campaign was aimed at curbing publications advocating "bourgeois liberalization" (Western social, political, and cultural ideas) and pornography.

In the wake of the student demonstrations, the Government has worked to reimpose more rigid ideological control over the school system. The State Education Commission ordered that 30,000 fewer first-year students be admitted to universities for the fall 1989 semester. The cuts were primarily among those seeking to study the social sciences. The number of students studying Western philosophy, political science, and management were reduced. The entire first-year class at Beijing University, a main center for the demonstrations, was sent to an isolated camp for 1 year of military training and ideological indoctrination. (The Government said this program might be expanded to include additional universities in the future.) Some recent college graduates are being sent from Beijing to the countryside or to factories for ideological training. On July 1, a State Education Commission official told the Chinese press that "students level of patriotism and willingness to serve their country should be major criteria" in decisions on who should be permitted to study overseas. Required study of the writings of Communist theoreticians has been sharply increased.

Investigations into press activities have led to intimidation of journalists and broadcasters, stronger press control, and a complete halt, for now, of press reform. The Government has made it clear that the press must support the party line and cannot question the "Four Cardinal Principles." The detention of journalists and broadcasters described in earlier sections reinforced the Government's message.

b. Freedom of Peaceful Assembly and Association

Article 35 of the Constitution guarantees the right "of assembly, of association, of procession, and of demonstration," but such activities may not infringe "upon the interests of the State" (Article 51). In an effort to prevent students 'from again demonstrating or occupying Tiananmen Square, the National People's Congress Standing Committee on October 31 adopted a law governing assemblies, parades, and demonstrations that significantly limits the right of individuals or groups to organize mass political activities.

The law, in theory, guarantees the right to assemble and demonstrate but stipulates that parades and demonstrations must abide by the Constitution and laws and may not "infringe on the interests of the State, society, and collectives or the legitimate freedoms and rights of other citizens." In practice, this proscribes any protests against socialism or the leadership. Moreover, this stipulation could be used to ban protests that disrupt traffic, interfere with business, or occupy public places, and all acts that could be interpreted as "infringing" on the freedoms of other citizens. Also banned are demonstrations that advocate national separatism or jeopardize national unity.

The law does not apply to "traditional cultural, recreational, or sports activities; normal religious activities; or traditional, nongovernmental activities among the people." Also exempt by "state organs, political parties, social groups, enterprises, or institutions in accordance with the law or their organic charters." Presumably, local authorities retain the power to determine what are "normal" religious activities; unapproved gatherings, such as evangelical revivals, religious retreats, and outdoor masses could be restricted or banned. Similarly, local officials would decide when "traditional" cultural activities carry unacceptable political overtones related to such sensitive issues as national separatism.

Procedures for obtaining a permit are extremely restrictive and constructed in such a way as to discourage exercise of the right of assembly. Demonstration organizers must apply for a permit at least 5 days before the event, specifying the purpose, type of demonstration, slogans to be used, the number of participants and vehicles, the routes and times of the march, the number and type of audio equipment, and the names, addresses, and occupations of sponsors. Marches are generally to be confined to the hours of 6 a.m. to 10 p.m. except with special permission. The law reserves to local officials the right to change the time, location, and route of a demonstration, even after giving approval, requiring only that they "promptly notify" the sponsors. Citizens cannot organize or participate in demonstrations outside their own locality, nor can government employees organize or participate in protests that "go against their responsibilities and obligations prescribed in relevant laws and regulations."

Professional and other mass associations are for the most part organized and controlled by the Communist Party. Other new regulations require all organizations to be officially registered and approved, including societies, research units, foundations, and chambers of commerce. Ostensibly aimed at secret societies and criminal gangs, the regulations are also used to prevent the formation of unauthorized political or labor organizations, such as the student and worker groups that emerged before and during the spring prodemocracy protests. The regulations can also be used to close down unregistered house churches or discussion groups that local leaders deem potentially subversive.

In parts of Beijing, martial law was imposed on May 20 and remained in effect until lifted in January 1990. Under martial law, groups of, people were not permitted to gather and demonstrations were strictly forbidden. Martial law has also been in effect in Lhasa since demonstrations broke out there in early March. In areas where martial law is not in effect, authorities also have adopted a stricter policy toward allowing groups of people to assemble. Informants and security forces maintain a close watch on groups formed outside the Party establishment, particularly unauthorized religious groups and other associations. Associations recognized by the State are permitted to maintain relations with recognized international bodies, but these contacts are monitored and limited by the Government.

c. Freedom of Religion

Religious freedom is subject to tight constraints. While the Constitution affirms toleration of religious beliefs, the Government severely restricts religious practice outside the officially recognized and government-controlled religious institutions. Religious proselytizing is restricted to officially sanctioned places of worship or to the homes of persons properly registered with an officially recognized religious institution. Religious conversion is tolerated (though generally not for Communists Party members).

By far the largest group of religious believers in China are Buddhists who belong to the dominant Han ethnic group. Han Buddhist leaders generally cooperate with the Government and have experienced few reported difficulties. Daoism, widely practiced in southern coastal provinces, is officially respected as an important part of traditional Chinese culture, but many of its practices conflict with government strictures against superstition and waste of arable land and have been heavily criticized. China permits Muslim citizens to make the hajj to Mecca, and over 2,000 Chinese, most subsidized by the Chinese Government or by overseas Muslims, make the journey annually.

The Government insists that no religious institution may be subject to foreign domination or influence. In order to eliminate perceived foreign domination of Christian groups in the past, the Government in the 1950's established the Catholic Patriotic Association (CPA) and the Protestant Three Self Movement (TSM). The CPA ordains its own bishops and priests, generally follows pre-Vatican II practices, and rejects papal authority. Proselytizing by foreign groups is forbidden. Americans and other foreigners have been expelled for distributing Bibles or proselytizing. Twelve Americans were detained in Kunming on June 23 and were later expelled for having imported religious materials. Officially sanctioned religious organizations are permitted to maintain international contacts as long as these do not entail foreign control. The TSM and its Buddhist and Muslim counterparts have established extensive networks of international support. The CPA has no official ties to Catholic churches outside China, but its leaders frequently visit Catholic and other religious leaders abroad.

Tibetan 'Buddhism is also tightly controlled. Religious activity is thriving with some government support, though the number of monasteries and monks remains far below the pre-1949 level. The Government does not tolerate religious manifestations that advocate Tibetan independence. The Government recognizes the Dalai Lama as a major religious figure, but condemns his political activities and his leadership of a "government in exile." As with other religions, Tibetan Buddhist activities are subject to government monitoring and control. The Government exercised a considerable degree of control over the late Tibetan Buddhist Panchen Lama, the second most revered religious figure in Tibetan Buddhism. Following his death early in 1989, the State Council approved procedures for selecting the "reincarnated" Panchen Lama which will give the Government a prominent role.

After forcefully suppressing all religious observance curing the 1966-76 Cultural Revolution, the Government began in the -late 1970's to restore or replace confiscated churches, temples, mosques, and monasteries. The official religious organizations administer more than a dozen Catholic and Protestant seminaries, nine institutes to train imams and Islamic scholars, and institutes to train Buddhist monks. The Government supervises the publication of religious material for distribution, to ensure that it conforms to religious beliefs and philosophical positions sanctioned by the Government.

There are active underground religious movements which pose an alternative to the state-regulated churches and temples. The Catholic underground church claims a membership far larger than the 3.5 million officially registered with the CPA, though actual figures are unknown. It has its own bishops and priests and conducts its own services. Protestants also conduct private services independent of government control; some of these groups are apparently quite dynamic. The Christian underground movement imports religious materials, including Bibles, from abroad. Underground church officials reject legally published material because it does not conform to their beliefs. The Government generally tolerates but sometimes actively suppresses nonsanctioned religious groups. Security forces have raided illegal underground services, resulting in arrests, injuries, and even deaths, as in the raid on an underground Catholic service in Hebei in April in which 2 persons were reportedly killed and 150 were injured.

A large number of Catholic leaders and somewhat fewer Protestants have spent long periods in prison. Most long-term Catholic prisoners had been released by late 1987, but detentions continue. Bishops Julius Jia Guozhi, Joseph Fan Xueyan, Pietro Liu Guandong, Giuseppe Li Side, Jiang Liren, Mattia Lu Zhensheng, Filippo Yang Lipo, Paolo Li Zhenrong, Bartolomeo Yu Chengdi, and other priests in the underground Catholic Church as well as underground Protestant leaders were reportedly detained during 1989 for varying periods of time. Underground Catholic Bishop Casimir Wang Milu has not been seen since his arrest in 1986 and is presumed to be in prison. As of year's end, no information was available on at least 20 Catholic priests detained by security forces in Hebei, Gansu, Sichuan, and Fujian provinces. International human rights groups report that at least 30 underground Protestant leaders may also be in detention.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government uses an identification (ID) card system to restrict the movement of Chinese citizens within the country. Citizens are, registered as residents of a particular jurisdiction and assigned to a specific work unit. Movement within the country or change of workplace can, in most cases, be done only with government permission and agreement by the work unit. Those workers on short-term work contracts with a work unit have more leeway in movement. On expiration of a contract, the worker may be able to negotiate a position in another area or continue his contract. Significant numbers of farmers have moved from the countryside to cities in search of employment. Authorities are trying to limit the migration, but they estimate there are at least a million unregistered persons in Shanghai and Guangzhou and 700,000 in Beijing. Measures undertaken in connection with the Government's current austerity program will result in large-scale unemployment and authorities reportedly intend to enforce their return to the countryside.

After the June disorders, the Ministry of Public Security ordered full national implementation of regulations on carrying and checking residents identification cards as of September 15. The cards have been under partial and experimental use for several years.

Under the new procedures, citizens are required to carry their ID cards at all times when out-of doors and must present them on demand of authorities. They must also present ID cards when registering for voting, residence, military service, marriage, or school entrance; applying for employment, licenses, loans, notarization of documents, social insurance or relief, travel to restricted areas or to leave the country; participating in lawsuits; picking up mail or claiming remittances; boarding an airplane; or registering in a hotel.

More stringent scrutiny of ID cards will close loopholes through which many Chinese have slipped in recent years. Some have used the relative freedom of travel to act as business middlemen and fixers, often involved in quasi-legal or illegal cash-and-carry deals, money changing, and black market activity. Also likely to be caught in the tighter net are itinerant preachers and evangelists, many of whom lack a permanent residence. Recent Chinese press reports decry incidents in people caught without their ID card were subjected to extortion by police or shaken down by criminals posing as police.

Existing restrictions on foreign travel were tightened in 1989. In the wake of the Beijing massacre, the Government has implemented more restrictive criteria for passport issuance. Procedures reportedly include obtaining a political "bill of good health" from the work unit and its party committee and submitting to background checks by the Public Security Bureau (and, in Beijing, the martial law command). Passport applicants are screened to determine the applicant's political loyalty and his role in the spring demonstrations. The double exit permit system implemented on June 20 was designed to support this objective. In Shanghai, dissident Zhang Cai was detained at the airport when trying to board a flight out of China. There are also reports that some Chinese who marry foreigners and wish to emigrate have had to repay the cost of their education in order to obtain a passport.

The Government has imposed restrictions on overseas studies. New regulations reportedly require tighter ideological screening, and perhaps several years work experience, as prerequisites for permission to study overseas. Furthermore, lower limits will be set on the number of publicly funded students sent abroad to study humanities, with the emphasis instead going to more practical studies such as the sciences and specialized training.

China has continued to relax restrictions on internal travel by foreigners. Since last year it has increased the number of cities open to foreign visitors from 504 to 626. Tibet, the capital of which remains under martial law, has begun again to allow tourism. Tourists, however, must travel in groups of at least three, obtain prior permission, and travel with officially designated travel agencies. Most requests by foreign diplomats for travel to Tibet since March have' been denied.

China encourages its citizens who are legally overseas studying or doing research to return to assist in China's development. Some 35,000 Chinese citizens are currently studying or conducting research in the United States. The State Education Committee declared on December 8 that scholars returning from overseas would not be held accountable for participation in prodemocracy activities while abroad. However, many of these scholars claim that they or their families have been subject to threats of reprisals by Chinese officials.

The Chinese Government accepts repatriation of PRC citizens who have entered other countries or territories illegally. The Hong Kong Government says it returned to the PRC 11,392 illegal immigrants in the first 9 months of 1989, compared to

21,001 in 1988. None of those returned were believed to be considered by the PRC Government to have been participants in or supporters of the spring demonstrations. To retaliate against the Hong Kong Government for having allowed dissident swimmer Yang Yang to depart for the United States, the PRC temporarily suspended repatriation for 2 weeks in October. Japanese authorities have decided to proceed with repatriation of illegal immigrants from China who entered Japan by sea during the summer of 1989. It remains unclear what punishment, if any, these PRC citizens will face once they have been repatriated.

China accepted more than 280,000 refugees and displaced persons from Vietnam and Laos between 1978 and 1982. These refugees were predominantly ethnic Han Chinese or married to ethnic Chinese. In recent years, the Government has adopted a stricter policy of "no new admissions." Thus, Chinese authorities currently discourage Vietnamese refugees from settling in China. There have been persistent reports that local authorities along China's southern coast help to provide food, water, and fuel to Vietnamese migrants so they may proceed to Hong Kong, and in some cases, to Japan and Korea. There also have been credible reports that Vietnamese refugees reaching China's interior provinces have been forcibly repatriated. Other credible reports suggest that the PRC has also repatriated persons of other nationalities seeking refugee status. Although China signed the Comprehensive Plan of Action (CPA) negotiated at the International Conference on Indochinese Refugees in Geneva in June 1989. it is unclear whether China considers itself a CPA "participating state." China has yet to create formal mechanisms to enforce CPA provisions, and its policy on the principle 0f first asylum remains ambiguous.

SECTION 3. RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

The people of China do not have the right or the ability peacefully and legally to change their government. Chinese citizens can neither freely choose nor change the laws and officials which govern them. China is ruled by the CCP, the paramount source of political authority. Within the party, a closed inner circle of a few senior leaders exercise ultimate power over the nation. Most hold key positions within the six-member Standing Committee of the Politburo, the Central Military Commission, or other organs. Former senior leaders 'continue to influence government policy. Deng Xiaoping remains first among equals in this group despite his formal retirement in October. The senior party leadership determines policy, which is then implemented by the Government. According to the 1982 Constitution, the National People's Congress (NPC) is the highest organ of state power. It nominally selects the President and Vice President, decides on the choice of the Premier, and elects the Chairman of the Central Military Commission. It had been granted, and had begun to exercise, increasing independence and influence during the late 1980's. Debates had become much more open, and several important government proposals were sent back for further study. During the May-June crisis, some NPC members attempted to convene an extraordinary meeting of the body to revoke the Government's declaration of martial law in Beijing, but were unable to do so. Since that time, the NPC has generally resumed its previous role of ratifying decisions already made by the senior leadership.

The Government neither tolerates dissent nor accepts challenges to its authority. The authorities denounce as "counterrevolutionary" proposals to limit the power of the Party or to alter the nation's ideology. The Government's handling of the spring demonstrations, the killing of its citizens, its subsequent crackdown on dissent, and its massive disinformation campaign aimed at rewriting history demonstrate the senior leadership's determination to retain power.

SECTION 4. GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

China rejects the concept of universal human rights despite its adherence to the United Nations Charter, which mandates respect for and promotion of human rights. Chinese official commentators in recent months have increasingly argued that each nation has the right to define human rights as it pertains to the human conditions existing within that country. No nation or international organization, they say, has the "legal right" to apply its definition of human rights to conditions in other countries. Officials strongly reject any criticism of China's human rights situation by international human rights organizations and other nations, and they assert that international groups and foreign nations use human rights as a means to interfere in China's internal affairs.

A resolution passed by the in. N. Human Rights Commission's (UNHRC) subcommission on Prevention of Discrimination and Protection of Minorities in August, calling on the Secretary General to collect information on the human rights situation in China, was denounced by the Chinese Government as brazen interference in its internal affairs. China defended its use of force in suppressing the demonstrations in June legalistically, citing the legitimate right of the Chinese authorities "to maintain law and order." It has also rejected Amnesty International's August 1989 report condemning the June massacre, and it has harshly and aggressively attacked the VOA for its coverage of and commentary on the June events.

In October the Government denounced the awarding of the Nobel Peace Prize to she Dalai Lama, who has been an outspoken critic of human rights violations in Tibet, as "gross interference in China's internal affairs" and as "hurting the feelings of the Chinese people." A Ministry of Foreign Affairs spokesman on October 7 said that awarding the Nobel Peace Prize to the Dalai Lama "constitutes open support to the Dalai Lama and the Tibetan separatists in their activities to undermine and split China."

There are no organizations within China which specifically monitor or comment on human rights conditions. The Government crushed an incipient human rights monitoring group—Amnesty 89—following the June crackdown and has made it clear that it will not tolerate the existence of such a group. It has reacted with equal defensiveness to international accusations of human rights violations in Tibet. Authorities have refused to respond to charges of human rights violations in connection with the killing of demonstrators in Lhasa on March 5-7. They have generally not permitted reporters or human rights workers to visit Tibet, have refused diplomatic requests to discuss human rights issues, and have generally denied diplomats access to Tibet.

SECTION 5. DISCRIMINATION BASED ON RACE, SEX, RELIGION, LANGUAGE, OR SOCIAL STATUS

While laws designed to protect women and minorities exist, in practice discrimination persists in housing, jobs, education, and other aspects of life based on sex, religion, race, and class. The 1982 Constitution states that "women in the People's Republic of China enjoy equal rights with men in all spheres of life," and it promises, among other things, equal pay for equal work. In fact, however, the general status of women is not equal to that of men, and there was no significant improvement in upholding women's rights or in the working conditions of women in 1989. By many standards, the status of women has regressed in recent years. Within the work force, 83 percent of the 220 million women employed perform physical labor. Seventy-seven percent of employed women work in agriculture, 13 percent in industry, and 4 percent in the service trade. In industry, most women are employed in lower skilled and lower paid occupations. The number of professional women is low. Women who graduate from college are less likely than men to be placed in prestigious positions. There is a significant wage gap between men and women performing the same tasks.

China's recent enterprise and labor reforms have sought to streamline enterprises and give workers greater job mobility. Women apparently bear the brunt of these reforms in terms of job insecurity and cutbacks in welfare programs. Many employers have admitted they prefer to hire men, citing the avoidance of maternity leave and child care provisions as their chief reason. Complaints from women of discrimination, unfair dismissal, demotion, or wage cuts when they needed maternity leave have risen significantly. There has been an increasing number of reports of young women in the special economic zones being fired when they become pregnant or reach child bearing age. The New China News Agency reported that during factory efficiency drives in the second half of 1987, over 60 percent of "redundancies" were women. To combat the problem, on July 25, 1988, the State Council issued a regulation on female employees legal rights, stating that work units will not be allowed to discriminate against women or reduce their maternity benefits, but there is no evidence that the regulation has been implemented effectively.

While the gap in the education levels of men and women is narrowing, the majority of the educated, particularly the highly educated, are men. Women now make up 37.4 percent of high school students and 25.7 percent of university students. Similarly, a disproportionate number of government-funded scholarships for overseas study go to men. Women also reportedly need higher scores than men to gain admission to select universities.

There are reports of violence against women, particularly wife beating, selling of women for wives, abuse of female children, and female infanticide in some rural areas—practices the Government condemns and attempts to curb. The Chinese have admitted that there is very little legal recourse to curb what is a traditional tolerance for abuse of women. Selling women for wives is a growing problem; in December the Government began a campaign against the practice, labeling it one of "six evils" to be eradicated. Official statistics are lacking but unofficial estimates are in the tens of thousands. A New York Times article quoted a confidential government document in September that cited the rising cost of traditional rural weddings (more than $2,500) versus the cost of buying a wife ($500 to $800) as one reason for the practice. Female children are seen, particularly in the countryside, as unproductive. They will leave the family and not provide assistance for the parents retirement (as sons are expected to do). Some provincial and local authorities have attempted to ease this traditional bias by facilitating establishment of retirement homes. Many female children are forced to work long hours at an early age and are sometimes beaten if chores are not completed: Numerous reports tell of young girls being removed from school at the age of 8 or 9 to work in rural enterprises or the fields so that their families can "make some money from them before they leave home."

Chinese authorities have not succeeded in stopping abductions and the trading of women and children. People's Daily reported on November 15 that between 1981 and 1988 some 16,000 women and 900 children who were abducted in Shandong Province were saved by authorities. Of the more than 14,000 arrested for abducting women and children, 22 percent or 3,100 were sentenced to prison. The number of abductions nationwide is not known, but the statistics from Shandong would indicate that the number is high.

The economic progress of minorities is viewed by the Government as one of its significant achievements. Ethnic minorities benefit from special treatment in marriage and family planning, employment, and university admission. Nevertheless, discrimination based on ethnic origin persists. The concept of a largely homogeneous ethnic race of the Han people pervades the general thinking of the majority Han Chinese. Less than 7 percent of the population belong to one of the 55 designated ethnic minorities. Most reside in areas they have traditionally inhabited. Their standards of living remain far below the national average. Despite the CCP's avowed policy off increasing minority representation in the Government and in the CCP, ethnic minorities are effectively shut out off all but a few leadership positions and play a minor role in decisionmaking. Some minorities resent Han officials holding key positions in minority areas. Tibetans in Tibet and Uighurs in Xinjiang have demonstrated against Han Chinese authority. PLA troops are stationed in these areas, and martial law remains in place in Lhasa. During an inspection tour of Xinjiang August 26, Minister for Public Security Wang Fang accused Uighur separatists of fomenting local instability.

SECTION 6. WORKER RIGHTS

a. The Right of Association

The PRC's 1982 Constitution guarantees "freedom of association," but the guarantee is heavily qualified by references to the interest of the State and the leadership of the CCP, and, in fact, workers do not have the right to form or join independent unions of their own choosing. Union membership is theoretically voluntary for individual employees, but each enterprise must have a union and each union must join the All-China Federation of Trade Unions (ACFTU), nominally an independent organization, but in fact closely controlled by the CCP and the only legal national federation. Virtually all state-sector workers and nearly 90 percent of all urban sector workers belong to ACFTU chapters.

The right to strike, which had been included in China's 1975 and 1978 Constitutions, was removed from the 1982 Constitution on the grounds that the political system had eradicated class contradictions between the proletariat and capitalists. However, in 1983 the ACFTU Chairman stated that if a trade union and its labor protection safety officers found that a workplace was too dangerous, the union should organize the workers to leave the hazardous areas. Thus, authorities usually view strikes as justified.only when they respond to problems such as a sudden deterioration in safety conditions. Nevertheless, strikes and, more commonly, work slowdowns do occur. In the first half of 1988, 49 strikes were reported officially. The number for 1989 is unknown, but reports of job actions in support of prodemocracy demonstrations in the spring of 1989 were widespread. Strikes and slowdowns generally occur over distribution of benefits or safety concerns at individual enterprises. They are usually resolved without the need for intervention from outside the enterprise. The usual role of the trade union in such strikes is to persuade the workers to return to their jobs.

During the countrywide political demonstrations in the spring of 1989, "Workers' Autonomous Federations" (WAF) were formed in major cities. The Beijing WAF claimed to represent over 100,000 workers from 40 industries in the capital. WAF leaders insisted they wanted-to organize legally and did not oppose the rule of the CCP. The concerns of the WAF included bureaucratic corruption, wage disparities between workers and plant managers, the absence of workplace democracy, the lack of genuine workers' representation in the policymaking process, and poor safety and working conditions. Established primarily to mobilize and express workers' sympathy for the demands of student demonstrators, the WAF did not have time to build organizations at the enterprise level. Thus, although there are workers who purport to carry on the work of the WAF, the June crackdown apparently destroyed the federations. Many observers believe concern over growing worker support for students' demands prompted the Government to order troops into Tiananmen Square on June 3-4. According to international eyewitnesses, most of the Beijing WAF leaders were killed during the massacre.

After June 4, workers became a primary target of government reprisals. The Hong Kong Trade Union Education Center (HKTUEC) compiled a list of 211 workers arrested in connection with the demonstrations. According to the HKTUEC, 89 were held on charges related only to their participation in the autonomous federations. All of those known to have been executed for offenses linked to the demonstrations were manual workers.

At the ACFTU annual conference in December, its appointed president declared that "trade unions must implement resolutely the party's line and general and specific policies." A senior party official, addressing the conference, demanded that party committees at all levels "exercise centralized leadership" over the union movement. He explicitly ruled out the formation of independent unions: organizations that contravene the "Four Cardinal Principles," 'put forward proposals contrary to party policy, or threaten 'state stability, would be "dealt with according to the law immediately."

The ACFTU claims to have contacts with trade unions in over 120 countries or regions and has stated that it will establish links with foreign unions regardless of whether they are affiliated with Western, Communist, or other federations. However, its relations with the International Labor Organization (ILO) and the International Confederation of Free Trade Unions (ICFTU) have been strained. China has ratified neither ILO Convention 87 regarding Freedom of Association nor Convention 98 on Collective Bargaining. The ICFTU vigorously protested Chinese violation of worker rights at the ILO Conference in Geneva shortly after the Beijing massacre. In November, the ILO's Governing Body approved stiff detailed questions on the death of workers during the massacre, arrests, death sentences, and executions, and government allegations against the WAF.

b. The Right to Organize and Bargain Collectively

The Government does not permit collective bargaining. The terms and conditions of employment, including wages, are unilaterally determined through administrative regulations which are treated as confidential material and are not publicly available. Without legal status as a collective bargaining body, the ACFTU's role has been restricted to consultation in decisionmaking on wages and wage reforms. Trade unions have limited themselves to channeling workers' complaints to the management of individual enterprises or municipal labor bureaus.

Clause 33 of the "Provisional Directive on Private Enterprises in the PRC" issued on June 3, 1988 states that trade unions in private enterprises have the right to represent employees and to sign collective agreements with the enterprise. Depending on how it is implemented, this could form a basis for important new trade union rights in China.

Under the labor contract system, which now covers approximately 10 percent of the work force, individual workers may negotiate with management over contract terms. In practice, however, very few are able to negotiate effectively on salary and fringe benefits. At its October 1988 National Congress, the ACFTU leadership recognized that it would need to be more responsive to worker demands for benefits and improved safety conditions or face worker demands for a more independent union. In reaction to the creation of the WAF, the party began efforts to reassert control at every level of the union structure. Thus, unions enjoy less freedom of action than they have had for the last several years.

Labor practices in the Special Economic Zones do not vary substantially from national practice. Although there are reports of child laborers working in the Special

Economic Zones, the practice appears more prevalent in small enterprises in the rural areas. Wages in the Special Economic Zones, like those in other Chinese enterprises, are set by the factory management in consultation with the factory Worker Congress. In general, wages in foreign-invested joint ventures tend to be higher than in Chinese enterprises.

Although Chinese workers still do not have complete mobility, foreign-invested joint ventures are given greater freedom to recruit workers than their Chinese counterparts are allowed. Like Chinese state-run and collective enterprises, joint ventures are required to have unions and to provide office space and facilities for union activities.

c. Prohibition of Forced or Compulsory Labor

China is still considering ratification of ILO Convention 105 on Forced Labor. Assignment of minor offenders to punitive "education through labor" camps without benefit of trial would appear to violate the Convention. Prisons and labor reform camps are expected to be partially self-supporting and thus require productive and profitable labor, with little compensation, from their inmates. Some observers consider the recent directives requiring students to perform manual labor during the school year and university graduates to work for a year or more in "grassroots units" before pursuing careers or graduate study as another form of compulsory labor. More broadly, the longstanding practice of unilaterally assigning school graduates at all levels to specific jobs and effectively trapping them in those jobs through the worker's dependence on the work unit deprives workers of any significant degree of choice in employment.

d. Minimum Age for Employment of Children

Regulations promulgated in 1987 prohibit the employment of school-age minors who have not completed the compulsory 9 years of education. The employment of child labor is pervasive, however, particularly in the rural areas and reportedly in the special economic zones. In addition, many private enterprises regularly employ children, often falsely representing them as the children of the enterprise owner. The problem is most serious in Guangdong Province, where a recent State Statistical Bureau survey found that only 71 percent of the province's school-age children were attending school. As noted (section 5), there have also been increasing reports of children, particularly girls, being removed from school at the age of 8 or 9 to work in the fields. In September 1988, the Ministry of Labor issued a circular designed to curb pervasive child labor problems. It imposes severe fines, withdrawal of business licenses, or jail for employers who hire child laborers under 16 years of age. According to Ministry of Labor officials, however, the circular cannot be fully implemented until a national conference is convened sometime in 1990 to discuss the problem of child labor. Guangdong has not yet promulgated any regulations to enforce the 1987 directive.

e. Acceptable Conditions of Work

China has not yet adopted a labor code, and deliberations on a draft labor law appear to have been derailed by the post-June crackdown. There is no minimum wage in China, although administrative regulations apparently fix the minimum at between $9 and $13 per month. A large proportion of a worker's income comes in the form of bonuses or subsidies added to a basic wage rate. For example, many foreign investors have found that basic salary costs may make up as little as 20 to 30 percent of overall cost per employee. As part of a comprehensive economic austerity program initiated in late 1988, the Government is attempting to reduce the amount of bonuses paid to workers.

The maximum and normal work week is 48 hours, of which 3 to 12 hours are generally spent in political study or "education" on current social issues. The time spent in political study increased sharply in the second half of 1989, particularly in work units whose members had been active in the spring demonstrations.

At factories and construction sites, occupational health and safety are constant themes of posters and campaigns. Every work unit of any size must designate a health and safety officer; the ILO has established a training program for these officials. Even so, general health and safety conditions in the workplace are extremely poor. The safety consciousness of both workers and managers is generally very low. State procurators deal annually with thousands of negligence and accident cases involving criminal or civil liability. The absence of a national labor code, however, makes enforcement of safety regulations extremely difficult.

The People's Republic of China (PRC) is an authoritarian one-party state ruled by the Chinese Communist Party (CCP). Following the Beijing massacre in early June, the Government reinforced totalitarian measures to control political views. A closed inner circle of a few senior leaders exercises ultimate power over the nation, with Deng Xiaoping the first among equals. Some of these party elders hold positions within the Politburo, the Central Military Commission, or other organs. Others hold no formal positions of authority but still wield considerable influence.

The Government maintains control through a nationwide security network which includes the Ministry of State Security; the Ministry of Public Security; the Ministry of National Defense; state judicial, procuratorial, and penal systems; and through traditional societal pressure. In 1989 the security network was responsible for widespread human rights abuses, especially in Beijing and Xizang (Tibet).

Despite 10 years of economic reforms intended to expand the role of market forces, China's centrally planned economy still retains price controls and allocation of some key goods by administrative directive. The Government has decentralized some economic decisionmaking authority and endorsed the development of a small private sector, particularly in retail sales and services. As part of a comprehensive economic austerity and restructuring program initiated in late 1988, the Government took a more aggressive approach in scrutinizing private firms, punishing tax evaders, and attempting to limit the incomes of private entrepreneurs. The central authorities also withdrew some of the economic decisionmaking power delegated to lower levels.

The human rights climate in China deteriorated dramatically in 1989. On March 5-7, People's Armed Police (PAP) used indiscriminate and excessive force in suppressing demonstrations in Lhasa, Tibet, killing scores of persons. These killings and other serious human rights abuses, however, were dwarfed when the leadership ordered the People's Liberation Army (PLA) and other security forces to suppress forcefully a peaceful, student-led movement seeking greater freedom for China's people. At least several hundred, and possibly thousands, of people were killed in Beijing on June 3-4. The Beijing massacre was followed by a drastic, country-wide crackdown on participants, supporters, and sympathizers. Thousands were arrested and about a score are known to have been executed, following trials which fell far short of international standards, for alleged crimes committed during the unrest. There have also been persistent but unconfirmed reports of numerous unannounced executions. At year's end the crackdown was still continuing. The Government attempted to defend its actions by a massive disinformation campaign, expulsion and harassment of foreign journalists, a ban on the sale of books by dissidents, and the jamming of the Voice of America and some other foreign radio stations. Virtually all internationally recognized human rights discussed in this report are restricted, many of them severely.

How Hong Kong Democracy Perished

By Cait Murphy

HONG KONG — Sitting alone in a government office in September 1984, Martin Lee read an advance copy of the Sino-British Joint Declaration on Hong Kong's future. "I was very happy and felt it could not be improved on," he recalls. "I could see a distinct possibility of this unprecedented policy of 'one country, two systems' being successfully implemented via democracy."

More than five years later, in his book-lined office in a downtown skyscraper, Mr. Lee's copy of the Joint Declaration is in bad shape, the pages dogeared and the margins pockmarked with notes. His optimism also has taken a beating.

Martin Lee

"China's ultimate object is to ensure that everyone in Hong Kong in 1997, apart from disorganized tiny groups and individuals, will be under their thumb," he says now. "But I have not given up hope."

Much of Hong Kong has, as the lines outside the Western consulates attest. The latest blow came Jan. 19, when the Chinese unveiled their plan for Hong Kong's political structure in the second, near-final draft of the Basic Law, which will govern Hong Kong after China takes over in 1997. Under this model, Hong Kong's legislature never would have more than half of its members directly elected. Bills that originated with the legislature would have to survive a complex voting mechanism designed to weaken the influence of the directly elected members. In recent months, the Chinese have restricted holders of foreign passports from working in government after 1997; purged Mr. Lee and fellow democracy activist Szeto Wah from the Basic Law Drafting Committee; denounced Hong Kong's governor, Sir David Wilson, for allowing pro-democracy demonstrations; and all in all, done as much as possible to make Hong Kong dread its embrace by the motherland.

Broken Promise

It didn't have to be this way. But a series of mistakes by the Hong Kong and British governments, combined with Chinese Party politics, have killed whatever chance the Joint Declaration had to deliver its promise of a "high degree of autonomy" under one country, two systems. "China now sees Hong Kong as a political threat," says political scientist Joseph Cheng. "No longer is the maintenance of the stability and prosperity of Hong Kong the most important goal."

The first mistake came in November 1985, when Xu Jiatun, head of the New China News Agency, China's de facto consulate in Hong Kong, declared that Britain had shown a "tendency to deviate from the Joint Declaration" and groused that the pace of political reform was too sprightly for China's taste. Instead of pointing out that under the terms of the Joint Declaration, Britain was solely responsible for Hong Kong until 1997, British officials quickly agreed to "keep in touch" with China. In effect, China was given a veto over Hong Kong's political development.

Here is where the concept of "convergence" emerged: the idea that Hong Kong institutions should more or less match whatever China had in mind for them after 1997. British officials favored a railway bridge metaphor to describe convergence: the idea that if a bridge was to be built, Hong Kong needed to know from what point China was beginning construction (never the other way around). One side effect of this sorry episode was what Mr. Lee calls his "conscious decision of speaking up for Hong Kong." He waited for British or Hong Kong officials to challenge Mr. Xu. When no one did, Mr. Lee says, "I decided, all right. Let me be that voice."

Mistake No. 2 was a breach of integrity. Throughout 1986 and early 1987, China made it clear that it took a dim view of direct elections. Like Mr. Lee and his band of democrats, China had the notion that true democracy in Hong Kong would prove an effective barrier against Beijing. Britain's problem was that while it did not want to offend China, it more or less had promised, both to the House of Commons and to the Hong Kong people, to establish democratic institutions.

The answer was to solicit public opinion in vast detail, but ignore the basic sentiment. Two polls in 1987 surveyed the Hong Kong public on democratic reform. The crux of the issue was direct elections: whether, when and for how many seats in the Legislative Council. Devising a question along these lines should have been easy. The surveys were so flawed, however, that in the first, 30% of the respondents said they didn't understand the question or had no opinion. In the second, that percentage rose to 45%. From this, the British government concluded that Hong Kong public opinion was divided. In the subsequent White Paper, the government ruled out direct elections in 1988 and proposed that only 10 of 56 Legco seats should be directly elected in 1991. In seven different surveys by professional polling organizations, on the other hand, the great majority of respondents, between 62% and 85%, said they favored direct elections in 1988. Two others showed a plurality.

> *Had Britain stood up just once for the principles it helped to invent — accountability, rule of law, democracy — the Joint Declaration might have had a fighting chance.*

With its slant reading of public opinion, Britain provided ammunition both for China and the hard-core of Hong Kong businessmen who saw direct elections, correctly, as a threat to their political hegemony. As then Stock Exchange Chairman Ronald Li said of Hong Kong in 1987, "It is and has been a British colony, and it's going to be a Chinese colony. We don't need elections here."

Mr. Li spoke for those who believed that Hong Kong's best bet was to stay exactly the same. Unfortunately, that is not an option. The real question is how to preserve those values essential to Hong Kong. Mr. Lee argues that entrenched, accountable, democratic institutions are the best guarantee of basic economic and civil liberties. His opponents say the most important thing is not to ruffle China. The mother of parliaments waffles.

The third mistake was one of caution. In the wake of the Beijing massacre, there was a chance to beat back the numerous encroachments China had made and Britain allowed on Hong Kong's prospects for the "high degree of autonomy." In July, the Foreign Affairs Committee of the House of Commons took the lead, calling for 100% directly elected seats by 1997, another review of public opinion, a bill of rights, and all sorts of things the Joint Declaration was supposed to have guaranteed in the first place.

But China had defined the terms of debate so effectively that the FAC's vision seemed almost surreal. Instead, Hong Kong's politicians came up with two far less ambitious plans. Under one, the "4-4-2 model," 40% of the first legislature would be directly elected in 1997, with the proportion gradually increasing. In the other, half of Legco would be directly elected in 1995 and the rest by 2003. The chief virtue of both of these models was consensus. They were mild enough to get wide support but strong enough to attract people like Mr. Lee.

China's answer came Jan. 19: No. Neither model was even considered. China, and China alone, would decide how much democracy Hong Kong would have. Even Basic Law drafters normally deferential to Beijing were incensed. The promise of autonomy "will be nothing but empty words," said Hong Kong drafter Raymond Wu. "That's the implication."

There were other lost opportunities, fumbles and prevarications; but these three instances are the crucial ones. Had Britain stood up just once for the principles it helped to invent — accountability, rule of law, democracy — the Joint Declaration might have had a fighting chance. Now, like the copy in Mr. Lee's office, the agreement looks close to disintegration.

All need not be lost, however. There are still a bit more than seven years left to repair some of the damage. To do so, Britain needs to admit that its past policy toward Hong Hong has reached a dead end. Then-Foreign Minister Geoffrey Howe, in one of his many wrong pronouncements on Hong Kong, claimed in February 1988 that the White Paper "will prove to be the best way of retaining in Hong Kong the largest quantity of talent." Emigration has ballooned. The nationality package announced last month to protect the civil service and boost confidence has fizzled.

Dangers of Appeasement

The ideal of "convergence" makes no sense at all and shows every sign of joining "appeasement" in the lexicon of diplomatic dishonor. China is one of the world's most repressive governments and going backward fast. Why converge with it? Why not do what is right instead? China has set a figure of 18 directly elected seats for the first post-1997 legislature; there is no reason that number couldn't be far higher in the 1991 and 1995 elections. There's no point in making it easy for China to abort Hong Kong's freedoms.

Since Mr. Lee took his decision in 1985 to be the "voice of Hong Kong," he has lost every major battle and many minor ones: direct elections, press laws, film censorship, the right of abode, bank rescues, and on and on. Like Cassandra, he has been right every time, but Her Majesty's government has not heeded his warnings. Still, Martin Lee fights on. "So long as you're still fighting, it may appear to the rest of the world that you have lost, but you have not," he says. "But at the moment you give up hope, then you have lost."

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Political & Social

Report of Song Renqiong's Death 'Inaccurate'

HK2501035990 Hong Kong TA KUNG PAO in Chinese 25 Jan 90 p 1

[Report: "A Well-Informed Source in Shanghai Says that Japan's Report on Fire in Shanghai Is Inaccurate"]

[Text] According to a report from Shanghai, a well-informed source here declared no comment in regards to a report from a foreign news agency on 24 January on a Shanghai Xingguo Hotel fire.

As to the statement of a Japanese television station that Song Renqiong was burnt to death in Shanghai, the well-informed source said that this rumor was inaccurate.

Zhao Ziyang Reportedly in Good Health

HK2501053690 Hong Kong CHENG MING in Chinese No 148, 1 Feb 90 p 14

[Article from "Reference News" column by Mao Li (3029 7787): "Zhao Ziyang's Son Said That His Father Is in Good Health"]

[Text] The rumor, which is spreading far and wide, that Zhao Ziyang's health is giving way, is not true. When a U.S. source inquired about Zhao Ziyang's health, a famous Chinese dissident got in touch with Zhao Dajun, who then called his mother. His mother reportedly confirmed that Zhao Ziyang is in good health. Zhao Dajun and his brothers attended the dance held during the Christmas period by the children of CPC cadres at and above the bureau level who were staying in New York state.

Top Leaders, Families Make Contingency Plans

Safety Concerns

HK2501040190 Hong Kong CHENG MING in Chinese No 148, 1 Feb 90 pp 11

[Article by special correspondent Chang Chuan (1603 1557): "People Repeatedly Threw Stones at Li Peng's Limousine"]

[Text] On the surface, the Chinese Communist top echelon maintains a cool attitude toward the East European developments. But in fact, they are very nervous at heart over the great change in Romania.

Security Departments Strengthen Their Guard to Protect "Heads"

Since the "4 June" incident, top Chinese Communist cadres have all along been greatly worried over their own security. Given the Romanian incident, they have grown all the more nervous. As soon as Ceausescu was executed, the public security and armed forces departments issued notifications to strengthen security measures for the protection of central leaders. It was learned that since the "4 June" incident, Li Peng's limousine has been intercepted twice and damaged once. Since the outbreak of the Romanian revolution, Li Peng's car has again been hit by stones on more than six occasions. Stones from an unknown source have also fallen on Deng Xiaoping's home and a glass window broken. In the neighborhood of Dianmen where Deng Xiaoping's home is situated, guards are posted practically every three or four steps. At night, rifle-toting groups of troops are on patrol.

A False Alarm as Wang Zhen Gets Out of the Car

On the eve of the Chinese New Year, the China International and Investment Corporation held activities in the Guoan Guest House, inviting several Chinese Communist senior statesmen over. For that reason, the guest house was strictly checked over with several reliable working personnel put in charge of security work. After Wang Zhen's car arrived at the guest house, a security worker went forward and opened the door for him with a deferential bow. Suddenly a guard who had accompanied Wang Zhen in the car jumped out and swiftly threw the security worker onto the ground. The latter was left shaking on the ground with pain. Blaming him, Wang Zhen raved: "Who told you to open the door?" A very embarrassing situation arose.

Top-Ranking Officials' Children Make Plans To Leave the Country

Military sources revealed that since the execution of Romania's Ceausescu, the Chinese Communist power holders' children and families have been busy discussing the question of leaving the country. The first question raised as children of high-ranking officials meet is: Where are you prepared to go? The children of high military officers or those of important government cadres are all making a cool-headed study of the question of a so-called escape route. They worry that the Chinese Communist rulers might also quickly collapse like the Romanian regime. It would then be too late for them to run away.

Jiang Zemin's son, now studying abroad, had originally planned to return to the country for the Chinese Spring Festival. Reports circulating among children of top-ranking cadres revealed that Jiang Zemin wrote to his son telling him to concentrate on his studies and complete his education as quickly as possible, instead of bothering with a return. Jiang Zemin also told his children that things abroad are complicated and political discussions should be kept to a minimum.

Some Ministerial Cadres Take Changes in the Political Situation Calmly

A source revealed that many people are making special preparations to go abroad. A son of a high-ranking military officer has prepared a list of the names of leaders of the whole Army at the division level and above, with complete data about the designations of Army units and their deployments and arms equipment. He said that after making it abroad, a person could at least get a few tens of thousands of U.S. dollars for such a story.

But not all high-ranking cadres and their children are so scared. Some ministerial officials sympathetic with the student movement take the East European changes and their impact calmly. Their state of mind is: The democratic movement will reach a new height. The overthrow of the Chinese Communist rule is only a matter of time. As far as those with their hands not soiled by the fresh blood of the people are concerned, what is there to be afraid of? Some persons even say privately: "We want to usher in the Beijing spring!"

Foreign Land Purchases

HK2501023790 Hong Kong CHENG MING in Chinese No 148, 1 Feb 90 p 14

[Report from "Reference News" Column by Tu Wen (3205 2429): "Senior CPC Officials Buy Land in Northern Europe"]

[Text] A former senior CPC official who had been stationed abroad said: Some senior CPC officials not only deposited money in banks in foreign countries, but also bought land in advanced countries such as Sweden so that they can settle abroad when the CPC is overthrown or when they get old. This official said that if the CPC leaders' scandals were made public, they would be more shocking than what were done by Nicolae Ceausescu.

Jiang Zemin Meets With Foreign Friends, Experts

OW2401144190 Beijing XINHUA Domestic Service in Chinese 1313 GMT 24 Jan 90

[By reporter Zhou Cipu (0719 1964 2613)]

[Text] Beijing, 24 Jan (XINHUA)—As the Spring Festival, the traditional festival of the Chinese people, is drawing near, Jiang Zemin, general secretary of the CPC Central Committee, met with Beijing-based veteran foreign experts and old friends at the Great Hall of the People this afternoon. He wished them a happy Spring Festival, hoped that everything would turn out as they had wished, and he thanked them for their invaluable contributions to the Chinese people's liberation and socialist construction.

The more than 30 veteran foreign experts and old friends attending the meeting have come from 8 countries of 3 continents. Most of them came during the 1930's and 1940's to take part in revolutionary work in China out of sympathy and support for the Chinese Revolution. Some of them have engaged in the Chinese people's revolution and construction since the early years of the founding of New China. Among them were Epstein, Adler, Judy Luxembourg, Miller, Danis, Nita [all names as received], and other veteran foreign experts and old friends, whom the Chinese people are familiar with.

At the entrance to the meeting hall, Jiang Zemin warmly greeted the guests he had invited, shook hands with each of them, and posed for photographs with them.

Jiang Zemin then sat in a circle with the veteran experts and old friends and had very cordial conversation with them. Jiang Zemin said: One misses his loved ones all the more during the festive period. As the Spring Festival is drawing near, I am glad to get together with veteran foreign experts and old friends who have contributed their "youthful years and wisdom" to the revolution and socialist construction in China over the decades. On behalf of the party Central Committee and the State Council, he extended warm festive greetings to the guests.

Jiang Zemin praised these veteran experts and old friends for "sharing weal and woe" with the Chinese people over the decades. He hoped that they would take care of their health during their remaining years and urged Chinese departments concerned to provide more favorable conditions for them to lead a happy life in their old age.

Also attending the meeting were Wu Xueqian, member of the Political Bureau of the CPC Central Committee and vice premier of the State Council; Wen Jiabao, alternate member of the Secretariat of the CPC Central Committee; Liu Zhongde, deputy secretary general of the State Council; and Wang Nai, director of the State Bureau of Foreign Experts Affairs.

After the meeting, Jiang Zemin had a dinner with the veteran foreign experts and old friends.

Li Peng Meets Nanjing Military Region Leaders

OW2401145490 Beijing Domestic Service in Mandarin 1030 GMT 24 Jan 90

[Report by station reporter (Zhu Zhengping) and JIEFANGJUN BAO reporter (Cao Jinhua), from the "National Hookup" program]

[Text] Premier Li Peng, who is presently on a work-inspection tour in Jiangsu, made a special trip today to the headquarters of the Nanjing Military Region to call on the leaders and some veteran comrades of this military region.

At 0900, directly upon disembarking from the vehicle, Comrade Li Peng immediately shook hands with and extended cordial greetings to everyone greeting him on the spot, including Commander Xiang Shouzhi, Political Commissar Fu Kuiqing, and other leading comrades, as well as veteran comrades recuperating in Nanjing. He also posed with them for a group picture as a keepsake.

Comrade Li Peng listened to Xiang Shouzhi's briefing on the work of the Army units and then made an ebullient

Country Reports on Human Rights Practices for 1990

China

"Section 6 (c) Prohibition of forced or compulsory labor

China is still considering ratification of ILO Convention 105 on forced labor. Assignment of minor offenders to punitive "education through labor" camps without benefit of trial would appear to violate the convention. Prisons and labor reform camps are expected to be partially self-supporting and thus, require productive and profitable labor, with little compensation, from their inmates. Some observers consider the recent directives requiring students to perform manual labor during the school year or more in "grass roots units" before pursuing careers or graduate study as another form of compulsory labor. More broadly, the long standing practice of unilaterally assigning school graduates at all levels to specific jobs and effectively trapping them in those jobs through the workers' dependence on the work unit deprives workers of any significant degree of choice in employment".

[Telephone dictation by New York Times, February 5, 1990]

CROSS REFERENCES

Definitions to be used in application of 19 USCS § 1306, 19 USCS § 1401.
This section is referred to in 16 USCS § 1540.

RESEARCH GUIDE

Federal Procedure L Ed:
Foreign Trade and Commerce, Fed Proc, L Ed, § 37:1149.
Am Jur:
4 Am Jur 2d, Animals § 31.
21A Am Jur 2d, Customs Duties and Import Regulations § 22.

INTERPRETIVE NOTES AND DECISIONS

1. Generally
2. Effect of treaties
3. Effect of state laws and policies

1. Generally

When disease has been determined to exist in any foreign country, all importations of prescribed commodities from such foreign country are prohibited, without exception. 37 Op Atty Gen No. 225.

Secretary of agriculture need not ban importation of all meats and animals that have transited country in which foot-and-mouth disease or rinderpest exists, but he may ban those meats or animals that have transited infected country under conditions that in his judgment present undue risk of infection. (1965) 42 Op Atty Gen No. —.

2. Effect of treaties

Colombia is not entitled under treaty of 1846 to have healthy cattle imported to United States until Secretary of Treasury has officially determined, and given public notice thereof, that such importation will not tend to introduction or spread of contagious or infectious diseases among cattle of United States. 30 Op Atty Gen No. 325.

3. Effect of state laws and policies

Action of state commissioner of agriculture in preparing, furnishing, and posting signs in retail outlets for imported meat within state, to effect that only domestic beef was sold there violated 19 USCS § 1306. Tupman Thurlow Co. v Todd (1964, MD Ala) 230 F Supp 230, 450 CCH LC ¶ 19117.

§ 1307. Convict made goods; importation prohibited

All goods, wares, articles, and merchandise mined, produced or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision. The provisions of this section relating to goods, wares, articles, and merchandise mined, produced, or manufactured by forced labor or/and indentured labor, shall take effect on January 1, 1932; but in no case shall such provisions be applicable to goods, wares, articles, or merchandise so mined, produced, or manufactured which are not mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States.

"Forced labor", as herein used, shall mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily.

(June 17, 1930, ch 497, Title III, Part I, § 307, 46 Stat. 689.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

Provisions in the same language as the provisions of this section were made by Act Oct. 3, 1913, ch 16, § IV, I, 38 Stat. 195, superseding similar provisions of previous tariff acts. That subdivision was superseded by Act Sept. 21, 1922, ch 356, Title III, § 307, 42 Stat. 937, and was repealed by § 321 of that Act. Section 307 of Act Sept. 21, 1922, was superseded by § 307 of the Tariff Act of 1930, comprising this section, and was repealed by § 651(a)(1) of the 1930 Act.

For full classification of the above Acts, consult USCS Tables volumes.

Effective date of section:

Act June 17, 1930, ch 497, Title IV § 653, 46 Stat. 763, which appears as 19 USCS § 1653, provides that this section shall take effect on the day following the date of its enactment on June 17, 1930.

CODE OF FEDERAL REGULATIONS

Special classes of merchandise, 19 CFR Part 12.

CROSS REFERENCES

Definitions to be used in application of 19 USCS § 1307, 19 USCS § 1401.

RESEARCH GUIDE

Am Jur:

21A Am Jur 2d, Customs Duties and Import Regulations § 22.

Law Review Articles:

Armstrong, American Import Controls and Morality in International Trade: An Analysis of Section 307 of the Tariff Act of 1930. 8 NYU J of International Law in Politics 19.

INTERPRETIVE NOTES AND DECISIONS

Congress may prevent interstate transportation from being used to bring into state articles, traffic in which state has constitutional authority to forbid, and has forbidden, in its internal commerce. Kentucky Whip & Collar Co. v Illinois C. R. Co. (1937) 299 US 334, 81 L Ed 270, 57 S Ct 277.

Goods, wares, articles, and merchandise believed to be mined, produced, or manufactured wholly or in part in any foreign country by convict labor or forced labor or indentured labor under penal sanctions which have not been subject of finding prohibiting entry pursuant to 19 USCS § 1307 shall not be detained pending transmittal of statement provided for in 19 CFR § 12.42 and receipt of advice by Commissioner of

THE LABOR REFORM CAMPS
OF THE PEOPLE'S REPUBLIC OF CHINA

Labor Reform Camps (LRC) -- "Lao-Gai-Dui" -- the prison system of the People's Republic of China (PRC).

The Chinese prison system, generally known as the Labor Reform Camps, is an important organizational part of the autocratic system of the PRC. From another perspective, the LRC are a necessery product of the totalitarian system of PRC.

The realities of the Labor Reform Camps are as unfathomable as they are little known in the world. Labor Reform Camps have not achieved the notoriety of Hitler's Fascist Concentration Camps. Labor Reform Camps are not as well known as the Labor Camps of the Soviet Union. Nevertheless, Labor Reform Camps exist and they continue to exist in an increasingly civilized and advanced world society. In fact, they have existed for the past forty years.

Anyone labeled, in accordance with the ruling or political needs of the Chinese Communist Party (CCP), as a "Class Enemy", "Counterrevolutionary", or an "Anti-socialist" is heartlessly cast into this national instrument. In the name of "being reformed into new socialist people." (1) they are forced to labor until their last breath, to contribute all of their sweat and blood to the socialist construction of the CCP.

Given a minimal supply of food, forced to labor, terrorized and hopeless, they are asked to "reform" their ideological attitudes, senses of morality, religious and political convictions, and even their most basic human natures to conform to the needs of the CCP. In scope, length of duration, method of implementation, and social influence, the Labor Reform Camp cannot be compared to any similar dictatorial instrument in all of history.

Perhaps because of the differences in the values systems of Eastern and Western cultures, or because the society of mainland China has been closed for so long, or because of the strategic interests of various governments throughout the globe, people have focused their attention on the Soviet Union and have neglected the PRC. In short, the Chinese Labor Reform Camps have not received the attention and recognition they deserve.

Throughout, the CCP has on the one hand disguised and hidden the scope and cruelty of the Labor Reform Camps, and on the other hand announced that they are "using the most advanced ideology of all human kind -- Communism -- to cleanse (by means of brain washing) the filthiest criminals of humanity in a successful undertaking."(2)

After Deng Xiao-ping came to power in 1978, new policies in government, economy, and culture, as well as his appeals for "reform" and "openness" have captured the approval of public opinion around the world. However, in spite of these achievements, labor reform camps have been expanded and strengthened.

In 1978, Deng Xiao-ping, the leader of the PRC for the past ten years, outlined his Four Cardinal Principles for the Chinese people: (3)

"1) We must keep to the socialist road.
2) We must uphold the dictatorship of the proletariat.
3) We must uphold the leadership of the Communist Party.
4) We must uphold Marxism-Leninism and Mao Zedong Thought.

Anyone disagreeing with the Four Cardinal Principles would be send to an LRC.

The term "Labor Reform Camp" (LRC, also known as the Lao-Gai-Dui) has come into common use in the PRC over the last forty years. It is a widely feared term reserved for political use. Labor reform camps include: 1) Prisons, 2) Labor reform, education and production camps, 3) Reeducation through labor camps, 4) Reeducation of juvenile criminals camps, 5) Forced job placement camps.

The basic organization of the Labor Reform Camp is based on the "three types of personnel" ("Personnel" is a technical term used within the Judiciary and Public Security Bureau): criminals, prisoners sentenced to reeducation through labor, and individuals forced into "job placement". These three types of personnel are the dictatorial targets of Public Security and the judiciary under whose jurisdiction they fall. A given LRC may be made up of a combination of the three types of personnel mentioned above, or a combination of two of them, or purely one of them.

It is impossible to precisely determine either the number of LRC in existence today or the number of people imprisoned in them. Over the past forty years, the CCP has never made these figures public. A conservative estimate is that fifty million people have been assigned to Labor Reform Camps over the past forty years. Moreover, there are today about 5,000 LRC in the PRC, containing approximately 20 million people.

(I have personally noted both the names and locations of more than 890 different labor reform camps).

The fact that the imposition of forced labor on prisoners existed in Fascist Germany, and in the Soviet Union is universally recognized. But these systems pale in comparison to the LRC. In Article 41 of the "Criminal Law Code" (4) of the CCP, it is clearly stated that, "Whether serving time in prison or in labor reform camps, all criminals who have been sentenced to a definite or indefinite period of time and are capable of doing physical labor will undergo labor reform."

The relative severity of LRC in the PRC is reflected not only in scope, the number of people involved, and the length of duration, it is also reflected in the goals and techniques of labor reform as implemented in the PRC. Article 30 of the "Act of the PRC for Reform through Labor" states: "Production from reform through labor shall become a part of the overall plan for the reconstruction of the nation's production capabilities." (5) Agein. Article 33 states, "...plans for the distribution and coordination of the labor of criminals will be based on the number of criminals in each area and on the needs of production and the reconstruction of the nation" (7). And in fact, the low paid, submissive, and highly efficient labor force of the labor reform teams plays an important role in the socialist construction of the PRC.

Each LRC in the PRC has two different names. Within the judicial system of Public Security, they are: Beijing No.1 Prison; Shanghai No.2 Guard Post; Xing-he-Fu Site for Reeducation through Labor; No.3 Detachment of Hebei Province No.6 Main Labor Reform Team; Pingyao Site for Juvenile Criminal Team (JCT);Shanxi Province No.4 Job Placement Team. At the same time, "The production unit names [for labor teams are] assigned on the basis of the class of production."(Article 7, Reeducation Through Labor) -- for example, Qinghe Farm; Taiyuan Air-powered Implement Factory; Xingdu Brick Factory; Peiyuan Chemical Factory; Yutsi Household Chemicals Factory; Yingta Tea Farm; Yanqin Construction and Engineering Company. The first group of names are used within the government; those of the latter group are used publicly. This kind of "special state-operated enterprise" also has a complete production plan, financial system, organizational system for salaries, and so forth. Prisoners are distributed among different production divisions.

The Labor Reform Enterprise (LRE) of the PRC is an enormous national economic system of agriculture, industry, communications, transportation, engineering, and construction.

One part of this system contributes to socialist construction through commodity trade and planned production, including export business. Another part of the system, directly controlled by the Public Security judiciary system, has become an economic and material power the size of which is impossible to estimate.

Many large-scale social and economic projects of the PRC have involved massive participation of LRC. Some examples are: the river valley water-power construction on the Huai river (1950's), the development project in the northeastern Hei Lung-chiang river valley (1950's-60's), the drainage canal water-power construction project in northern Chiang-su province (1950's), the construction of farms and a highway network in Hsin-chiang autonomous region (1950's-80's), highway and farm construction in Ch'ing-hai province (1950's-80's), various major coal mine projects in Shan-xi province (1950's-80's), two railroad projects in Inner Mongolia autonomous region (1950's), the Pao-lan railroad project (from Pao-t'ou to Lan-chou) (1950's), The Ch'eng-yu railroad project (from Ch'eng-tu to Ch'ung-ch'ing) (1950's), and the Lan-ch'ing railroad project (from Lan-chou to Xi-ning in Ch'ing-hai) (1960's), to name but a few.

During the 1960's, a large group of technologically advanced, modernized LRE soon appeared. For instance: the Lin-fen Automobile Factory in Shan-xi province: the Liang-xiang Elevator Factory in Beijing City; the Hua-dong Electric Welder Plant in Shanghai City: the Yin-yin Coal Mine in Shan-xi province: the Beng-pu Rubber Plant in An-huei province; the Chao-yang lead Plant in Gui-zhou Province: the Chen-du Machine Tool Factory in Szu-chuan province; etc. The products from these LRE are in demand not only within the country, but are also exported abroad.

It is impossible to precisely determine the portion of the total production value of labor reform enterprises in the PRC's national economy. We can get a glimpse into the general situation from the following rough figures.

A official report (6) said: "The total production value of LRE for Fu-chien province in 1982 was 13.61 million (yuan): in 1987, has increased by 42.5 million (yuan), an increase of 312.3%. In 1982, there was a deficit of 1.64 million (yuan), but in 1987, a surplus of 40.5 million (yuan). A official report (7) said: "the total production value of 1984 was 34.91 million (yuan) of the Labor Reform Bureau of Bai-hu county of An-huei province." Another (8) official report said; "the total production value of LRE of Jiang-su province cost 247 million (yuan) in 1986, and has increased by 15% from 1985." The vice minister of the Judiciary of the PRC, Jin-Jian said on Dec. 7, 1988: (9) "in the past [illegible] years, more than 700 medium or small LRF projects have been rebuilt, extended, or built. and 50% went into production. In 1987, the LRC fixed assets had increased 1.5 times from 1987, and the total production value has increased 56%."

A official report (10) said: "over the past forty years, Labor Reform Production has encompassed physical labor, such as water-power projects, road construction, reclamation of wasteland, the opening of terrain, and building construction. As a handicraft industry, it extends to many different kinds of enterprises, both light and heavy. The level of industrial mechanization and automation has risen steadily. Some producers have received national madals of honor and the system contributes to the international market."

Drawing on Nazi theory and his own political needs, Hitler set up an infamous system of Concentration Camps. Drawing on the theory of Class Struggle and political needs of those in power, the CCP established LRC. As far as both systems relied on violent suppression to accomplish their goals, there is little substantive difference between the two. There is, however, one point in which the two systems differ: the concept of "Labor Reform" (Brain Washing) developed by the CCP. The CCP states: "In the socialist society of the PRC, class struggle is unceasing. Class enemies do not disappear with the destruction of a class, and new class enemies constantly emerge." (11) Thus, because class enemies can't all be physically eliminated, the CCP adopted the LRC. Through forced labor, individuals are forced to reform or to bring themselves into accord with the thought, belief, and moral standards of the ruling elite, while simultaneously producing material wealth. This policy was characterized in 1954, when Luo Jui-ching, the first leader of Public Security Department, said: "the process of reforming criminals through labor... is an effective means for fundamentally liquidating Counterrevolutionaries and eliminating all criminals." Further, "it is directly beneficial to the development of assorted kinds of constructive enterprises, as well as saving the country a large amount of economic wasted and expense while creating a stable source of wealth." (12)

Clearly, this is a more clever, effective approach than the notorious gas chambers of Hitler's Nazis. In the elimination of class enemies, to rely solely on force is insufficient; the use of rifles to support the ruling elite is not the most effective method. The distinguishing characteristic of LRC is that it "REFORMS" thought and action until they are in conformity with the wishes of the ruling elite.

* * * * * * * * *

In 1957, during my third year at university, I was judged an Counterrevolutionary Rightist. The judgement was based on my suggestions for improving the policies of the CCP, which I offered at the Party's invitation, and, as I thought, with impunity. These suggestions became charges against me and later, in 1960, the government arrested and sentenced me to LRC for life.

I have experienced in twelve different LRC in northern China. Some were called chemical factories, iron mines, farms, coal mines, brick factories.... I have faced starvation...severe torture... hard labor... suicides of close friends and attempted my own...brain washing...etc.

I was released in February 1979, spent 19 years in the LRC.

I am a survivor.

* * * * * * * * * *

A Labor Reform Camp (SEE INCLOSED - 3 PHOTOS)

Public name : State Operated Qinghe Farm of Beijing
Internal name: No.1 Labor Reform Camp Detachment of Beijing
Location : The Farm is located in Ninghe county, Tianjin Municipality. Approx.120 km southeast from Beijing City. Approx.30 km northeast of Tien-tsien City. The Farm is about 20 km across from east to west and 18 km from south to north. The Chaobei river, Jingzhong river and Jiyun river flow through the Farm. The Farm is located at 117 65'E and 39 28 N.

(I served at this LRC for two periods, first from June 1961-June 1962, and second from August 1968 - December 1969.)

1) A brief introduction to the development of the Farm

Before 1949, the Japanese occupier had set up a detention center at the west of the Chadian railway station (on the line from Beijing to Shenyang). After the Japanese surrendered, the Chinese government used these buildings as a prison, but for only a few hundred prisoners. It was a large piece marshlands beside the railway.

In 1949, when the CCP took control, Qinghe Farm started a great development, divided in four phases.

The first phase: (1950-1956)

In 1950, several tens of thousands of Landlord class elements and the military and officials of the Kuomintang government from Beijing and Tianjin were escorted as counterrevolutionaries to the Farm for forced labor. Under rifles, deep in the marshlands mud, they were forced to dig channels, build roads, brick walls and jails for their shelter, and plant the rice for their food. These Counterrevolutionaries are the "founding members" of Qinghe Farm. In less than ten years, most of them had died. In 1955-1956, another two groups of people were escorted to the Farm. One was comprised of those who had been arrested in 1956, in the "Elimination of Counterrevolutionaries Movement;" the other was "cleaned up" from the government organization and transferred to the Farm. So, before 1958, about 90% of the prisoners in Qinghe Farm were political counterrevolutionaries in.

The second phase: (1957-1965)

In 1957, the CCP stipulated the policy of "Reeducation Through Labor," and launched the "Anti-Rightist Movement." Under these two policies, thousands and thousands of people, as Reeducation Through Labor prisoners were sent to the Farm, including several thousand Rightists from Beijing. The Farm expanded to the west, creating a new area -- "west wasteland." This was the second big development of Qinghe Farm.

In 1958, to coordinate with the nationwide "Great Leap Forward Movement," Qinghe Farm was given over to labor production, and the number of prisoners made a large advance.

In 1959-1961, because of nationwide starvation, the continued rule of the CCP was in peril, to maintain the regime, the CCP rulers arrested thousands and thousands of people as "Thought Reactionaries," and "Active Counterrevolutionaries" and removed them to Qinghe Farm. At that time, all sections of the Farm were full of prisoners, totalling more than one hundred thousand. This is the Golden Age of Qinghe Farm.

The third phase: (1966-1970)

During the Culture Revolution, when the whole of mainland Chinese society was in red horror, the Red Guard and the CCP setup so many detention centers without the need for any judicial procedures, that it was not necessary to escort new prisoners to the LRC. So, Qinghe Farm kept a stable population, and stagnated.

In 1969, by the order of Lin Biao, Qinghe Farm was quite for a time. A portion of policemen and prisoners have been separated and transferred to other LRC. In the next year, 1970, when Lin died, the order was cancelled and the policemen returned, but the prisoners have stayed in those new LRC which located in other provinces. Soon, new prisoners refilled Qinghe Farm.

The fourth phase: (1978-1988)

When Deng came to power, the LRC entered a new period. And Qinghe Farm had a second golden age.

Because Dong's Four Cardinal Principles are based on the LRC system, the LRC has had a significant development both in economic production and in number of prisoners, since 1978.

2) The organization of Qinghe Farm.

The Farm includes five different groups of people, as follows:

A) Arrested and sentenced prisoners: approx. 20 thousand. are scattered in several sections in east area of the Farm.

B) Reeducation Through Labor prisoners: approx. 20 thousand. are scattered in several sections in the west area of the Farm.

C) Forced Job Placement (FJP) personnel: approx. 25 thousand. These personnel are distributed throughout all sections of the Farm.

D) The family of these Forced Job Placement personnel: approx. 15 thousand. FJP personnel are also called "ex-prisoners." Although they will never be permitted to live anywhere but the LRC, they are now given certain minimal privileges. Since the late of 1950's, the authority of the Farm allow some women as family to live in the Farm as a ordinary workers. And then their children grow up and also become workers in the Farm. Because their families spring from ex-prisoners, these offspring constitute an entire corps of second class citizens.

E) The policemen and their families: approx. 15-20 thousand. Most members of police families have a jobs as accountants, engineers, jailers, clerks of banks or shops, salesmen, truck drivers, managers, teachers, etc. those people are in the top positions.

The Farm is divided into more than 25 sections, as follows:

A) No. 1 section (He-dong No.1 battalion)
B) No. 2 section (Nan-chang No. 2 battalion)
C) No. 3 section (Bei-chang No. 3 battalion)
D) No. 4 section (Cha-dian Dong-cun)
E) No. 5 section (Cha-dian Xi cun)
F) No. 6 section (Qian-jin Bei-chang)
G) No. 7 section (Qian-jin Nan chang)
H) No. 8 section (Yu-jia-lin Dong-cun)
I) No. 9 section (Yu-jia-lin Xi-cun)
J) No. 10 section (He-xi No. 1 battalion)
K) 581 section (West wasteland)
L) 582 section (west wasteland)
M) 583 section (west wasteland)

N) 584 section (west wasteland)
O) 585 section (west wasteland)
P) Qinghe Mechanical Factory
Q) Qinghe Paper Mill
R) Qinghe Knitting Mill
S) Qinghe Grain Mill
T) Qinghe Brick Factory
U) Qinghe Ceramic Plant
V) Qinghe Winery
W) Qinghe Construction Company
X) Qinghe Dairy Products Factory
Z) etc.

After 40 years, the marshlands have been developed into a system of agricultural lands, with its own reservoirs, channels, irrigation and drainage network, road, forest belt, orchards, fish ponds, and about hundred thousand mu of farmland. For more benefit, many industrial factories have also been built, with a total production value per year more than a hundred million yuan. The forced labor products from Qinghe Farm Enterprises not only sell to the domestic market, but some products as grapes, ceramics, knitwear, are sold on the international market.

"Wu-ke" is the center of Qinghe Farm. There are many buildings; administrative offices, headquarters, bank, post office, school, department store, cinema, restaurant and hospital. "Wu-ke" resembles the downtown district of a city.

Each section of the labor camp has a prison compound surrounded by a high dark red brick wall topped with electric wire. The Arrested and Sentenced prisoners and the Reeducation Through Labor prisoners are locked in the compound barracks, only in daytime they are escorted by the policemen out to labor. The Forced Job Personnel live outside the brick wall in a compound dormitory. Beside the prison, there is a building complex for the policemen and their families. In the police complex is a school, a small department store, clinic, and public bath.

The prisoners do forced labor 12-14 hours a day, 7 days a week, one or two days off every month. Each type of labor has a daily quota, each prisoner has a record, If the prisoner cannot fulfill the quota, he/she will be punished, including a reduced food quota.

The prisoners must confess and admit guilt, and submit to discipline, labor as slave, and give up his/her political conviction and religious belief to become "socialist new person."

Human Rights in China: The Repression Continues

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BACKGROUND

In August 1989 the International League for Human Rights and the Ad Hoc Study Group on Human Rights in China issued a report, Massacre in Beijing, *documenting and analyzing (1) China's military crackdown in June 1989 to suppress the pro-democracy movement and (2) the subsequent repression in China. That report was circulated publicly at the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, which then called for information on the events in China to be transmitted to the Commission on Human Rights (Res. 1989/5). This* In Brief *summarizes* Massacre in Beijing *and subsequent updated information sent by the International League to the UN.*

THE MILITARY CRACKDOWN IN JUNE

On June 3, 1989, Chinese authorities ordered the army to clear pro-democracy demonstrators and supporters from the streets of Beijing, in particular from Tiananmen Square in the city's center. During the operation, soldiers used lethal force unnecessarily and indiscriminately, resulting in deaths of hundreds of innocent, unarmed citizens.

The military crackdown was motivated by the government's desire to crush the pro-democracy movement which had been flourishing since April throughout the country, most prominently in Beijing. University students played a leading role in the movement both at the outset and throughout, but by the beginning of June they had been joined by workers, intellectuals and other groups, showing broad support from other sectors of Chinese society.

1. *The demands of the pro-democracy movement were legitimate requests for political and social changes.*

The movement's demands were advanced in newspapers, other publications, and public meetings. The demands won very broad support, resulting in massive, overwhelmingly peaceful public demonstrations in Beijing involving millions in Beijing and elsewhere. The students called for:
-- re-evaluation of the achievements and errors of Hu Yaobang;
-- repudiation of the previous campaigns against "spiritual pollution" and "bourgeois liberalization";
-- greater press freedom;
-- the lifting of restrictions on the holding of demonstrations;
-- public disclosure of the finances of senior officials;
-- a crackdown on corruption in government;
-- greater expenditure on education; and
-- higher salaries for intellectuals.

In late April students began to demonstrate in Tiananmen Square in support of their demands. Other groups joined later. Despite the government's denunciation of the students' demands and behavior as creating "turmoil" and its refusal to enter into serious dialogue, the students remained in the Square.

On May 19, 1989, the government declared martial law in parts of Beijing. Afterwards, local residents continued rallies in support of the students, as well as against martial law. Military attempts to enter the city were frustrated several times by largely peaceful resistance by workers and students, who were aided by the unwillingness of many soldiers to use force. Large crowds gathered on major roads and, by talking with soldiers and erecting barricades and "human walls," peacefully deterred the advance of troops into the city.

On May 28, 1989 some 100,000 students remained in Tiananmen Square. Within a few days momentum was lost; by June 2, 1989 only a small fraction of that number were left in the Square.

At this time -- not earlier -- the government decided to launch its major military operation to clear the Square. An initial foray was made early on June 3, when unarmed soldiers proceeding on foot were stopped peacefully by local residents and army vehicles were blocked by crowds. Then, however the government sent the army in again, this time with orders to use lethal force.

2. Troops used lethal weapons unrestrainedly against unarmed civilians.

On the night of June 3, hundreds of tanks, armored personnel vehicles and troops converged on central Beijing and Tiananmen Square from all directions. By the time the operation was completed, hundreds, perhaps thousands, were dead; many thousands were injured.

Army troops employed unrestrained force in their use of lethal weapons against unarmed civilians. They did not attempt to restore order using non-lethal methods of crowd control. The troops made no attempt to arrest or detain people as they pressed to clear the streets and the Square.

Accounts of the progress of troops towards the city's center tell of numerous encounters between troops moving towards Tiananmen Square from the outskirts of the city and civilians seeking to bar their progress, in most cases by erecting makeshift barricades. The civilians also attempted to persuade troops not to advance by explaining to them the students' cause. The numerous reports of these encounters (detailed in *Massacre in Beijing*) show a common pattern:
-- the troops were faced with human barricades and sometimes also vehicles used by the crowd as barricades;
-- the troops fired on the people both indiscriminately and deliberately;
-- armored vehicles and tanks drove blindly into crowds, crushing, killing and injuring members of the crowd; sometimes the crowds responded to the army's excesses by attacking and burning armored vehicles.
-- Army personnel fired shots not just to disperse the crowd but also to kill people escaping, retreating, or begging for restraint. People in buildings were also shot at.

According to available eyewitness accounts, most of the killing took place as the troops proceeded towards Tiananmen Square. First-hand accounts suggest that there was deliberate and indiscriminate killing on the outskirts of the Square and in the north of the Square, but there are conflicting accounts as to whether there was widespread killing in the main part of the Square itself.

3. Large numbers of civilians were killed.

Estimates of the total number who were killed in the military crackdown have varied widely. Official Chinese government figures have been considerably smaller than those offered by reputable independent sources.

Official government figures claimed that no more than 300 people, including soldiers and civilians, were killed. Other evidence puts the number killed in the thousands and the number injured over 10,000. Some independent sources claim that the numbers of dead and injured is much higher.

After the massacre the Chinese government took steps to frustrate any independent attempts to ascertain the numbers of people killed and injured. The authorities instructed hospitals and crematoria not to issue any figures and strictly forbade journalists to visit hospitals. It was also reported by a number of sources that soldiers took over the four crematoria in Beijing. The government has also failed to ensure that an investigation into the killings by an independent, publicly accountable body be carried out.

4. The massacre was a gross violation of the right to life and security of the person.

The military action by the Chinese government was a clear violation of the right to life of its citizens. The operation's primary purpose was to prevent citizens from peacefully continuing to exercise their universally-guaranteed human rights. It involved use of deadly force that was unnecessary as well as wanton. The killings were not justified by an emergency threatening the life of the nation, as required under international law. The use of lethal force against unarmed civilians contravened international standards, as defined in the Code of Conduct for Law Enforcement Officials (Art. 3 and official commentary), in that it was not used in pursuance of a legitimate objective, as well as being excessive, disproportionate to the situation, and not strictly necessary.

The Chinese government has claimed that the army's action was a heroic effort to save the nation from the "turmoil" created by the student movement. The alleged "turmoil," however, was largely illusory, consisting mainly of a challenge to the legitimacy and practices of the current leaders.

The government has also sought to portray soldiers who were harmed by civilians as the heroic victims of unprovoked and vicious violence by ruffians and hooligans. It is clear that there were indeed some clashes between soldiers and citizens in which citizens hurled rocks, stones and firebombs at soldiers. However, in almost all such cases, it was the actions of the soldiers which amounted to provocation - in a general sense by invading the city in their armored vehicles and tanks, and in many individual cases by attacking demonstrators or others with tear gas, sticks or electric cattle prods, firing on them deliberately or indiscriminately, and running over them with tanks and – APCs. To provoke a reaction by unjustifiable suppression of people's rights and then to rely on that reaction as the basis for further violent suppression is a wholly inadequate attempt to find justification under international law for the Chinese government's violations.

THE CONTINUING CAMPAIGN OF REPRESSION SINCE JUNE

Since June, the Chinese government has engaged in a vigorous campaign to punish, silence, or purge persons active in the pro-democracy movement or sympathetic to it. This campaign continues largely unabated. It has involved the systematic terrorizing of much of Beijing's population; the arbitrary arrest, incommunicado detention and ill treatment of tens of thousands; the summary or arbitrary execution of dozens of persons for crimes against public security; the systematic purging of people considered sympathetic to the pro-democracy movement; the dissolution of organizations supportive of the movement's demands; and widespread censorship, coupled with an intense propaganda campaign that attempts to justify government actions and vilify the pro-democracy movement.

In the period since the massacre the Chinese authorities have engaged in the following human rights violations:

-- *the arbitrary arrest and detention of thousands* of students, intellectuals, workers and others in the pro-democracy movement (some of whom have been subjected to torture, physical abuse or other degrading treatment)

-- *the trial and sentencing of individuals according to expedited or summary procedures*, followed by the execution within days of individuals for capital crimes that are deemed "counter-revolutionary" or against "public security," in blatant violation of international human rights standards.

-- *the disbanding of many existing associations which are peaceful* in their objectives and actions but which the government has declared illegal;

-- *severe censorship of news media* and prevention of PRC citizens from having access to information from outside or independent sources.

ARBITRARY ARRESTS AND DETENTIONS

1. Many thousands have been arrested and detained.

Since June 3-4, 1989 many thousands of citizens have been arrested and detained by the authorities. Many thousands of these appear still to be in detention, often held incommunicado and without criminal charges brought against them.

Those arrested include students and workers involved in organizing autonomous unions, journalists, intellectuals and others who expressed views sympathetic to the student movement, and persons accused of using violence against police or soldiers in attempts to resist or protest the crackdown.

Arrests began shortly after June 4. Official Chinese media initially gave extensive coverage to the campaign, featuring detailed reports. Since late June, official media coverage has been markedly reduced, apparently because intensive coverage aroused domestic and international opposition.

The number of arrests has mounted steadily. On June 11, 1989, the Chinese government reported that more than 400 people had been arrested for their role in the "turmoil," most of these apparently in Beijing. In December 1989, confirming earlier reports, the official *Beijing Youth News*, citing figures from the city's Reform-through-Labor Work Administration Bureau, disclosed that 2,578 persons described as "ruffians" were arrested in Beijing in the 24 days following June 4. Only 190 of these had been released by December 1989.

On July 17, 1989 *Ming Pao* reported that, after June 4, all persons in Beijing with previous criminal records - 30,000 in total - were detained and interrogated, and those who failed to account adequately for their activities during the pro-democracy movement were all formally arrested.

Official Chinese sources reported over 4,000 arrests nationwide by September 10, a figure which Amnesty International also cited in mid-August. Western diplomats reportedly cite 6,000 arrests in Beijing alone. Asia Watch notes that unofficial estimates range up to 30,000 arrests nationwide.

In mid-September, security personnel started checking the identity papers of Beijing's 10 million citizens, making door-to-door searches, commonly at night. As a result, an additional 212 persons suspected of resisting the army on June 3-4 were reportedly arrested by September 19.

The government has published new "most- wanted" lists, and instructed courts and procurators to deal harshly with arrested leaders of the pro-democracy demonstrations. On October 10, Beijing's mayor called for no relaxation in tracking down "counter-revolutionary forces."

The campaign of arrests took place outside Beijing as well. In late July the *Xinhua Daily* of Jiangsu Province stated that more than 3,000 people had been arrested in the province between July 13-15 alone.

Official figures almost certainly give an inaccurate picture of the total number of persons arrested. The shift in policy in late June from giving maximum publicity to arrests to affording them relatively limited coverage, as well as allegations of secret arrests, suggests many more people were arrested than official sources have acknowledged. The full extent of the detentions is difficult to estimate, even taking into account unofficial reports.

(Lists of the names and known information about several hundred persons detained in connection with the pro-deomcracy movement for the peaceful exercise of their human rights were sent to the UN.)

2. Most arrested persons were detained for non-violent actions.

The vast majority of those arrested appear to have been detained for non-violent actions, such as "spreading rumors," "shouting reactionary slogans" or "distributing counter-revolutionary handbills." Some of those arrested have been charged with violence against troops, security forces and government property. In many cases the alleged acts took place in response to violent measures taken by troops and other security forces to suppress public demonstrations. The official media, when reporting on arrests, have apparently focused primarily on cases in which violence is alleged or in which some of those arrested are alleged to have previous convictions.

3. The legal basis for the arrests include punishment for peaceful exercising of human rights.

In many cases the exact criminal charges (if any) against detainees have not been published. However, according to the *Hong Kong Standard* (July 11, 1989), the Chinese government issued a circular on July 9 listing five categories under which individuals may be charged:

(a) "propagating and actively supporting the spread of bourgeois liberalization";

(b) "supporting, organizing and participating in the counter-revolutionary rebellion";

(c) leading illegal organizations formed during the April and May 1989 protests;

(d) working with "enemy organizations outside the country"; and

(e) committing violent crimes during the demonstrations such as "smashing, burning and killing".

These categories are based on the provisions of the *Criminal Law* defining "crimes of counter-revolution" and "crimes endangering public security," crimes for which the death penalty may be - and has been - imposed. Although for most arrests there has been no official report of formal charges, many detained persons appear to have been arrested in connection with one or more of these five offenses.

4. The arbitrary arrests and detentions are violations of rights.

The Chinese government's extensive campaign of arrests and subsequent detention of many involved in the pro-democracy movement constitutes a serious violation of human rights norms. In many cases there was no adequate justification for the arrests - individuals were being (and continue to be) harassed and punished for the exercise of protected rights within the limits laid down by international law, a clear violation of international standards, even if Chinese law permits such arrests.

TORTURE AND TREATMENT OF DETAINEES

The rights of many of those who have been arrested have been violated during detention, transgressing established international standards of the Universal Declaration of Human Rights, the Convention Against Torture (to which China is a party), and other international codes such as the UN Code of Conduct for Law Enforcement Officials, the Standard Minimum Rules for the Treatment of Prisoners and the Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

1. Chinese authorities engage in torture by physical maltreatment of detainees.

Many detainees have been physically maltreated by law enforcement officials, subjected to torture and other forms of cruel, inhuman and degrading treatment or punishment while in detention. The purpose of the maltreatment, in many cases, appears to be to extract "confessions" of various "crimes" committed by the detainees. These confessions are then used as evidence in subsequent criminal proceedings.

For example, Chinese television has shown pictures of detainees with clearly visible bruises and cuts, which raises serious concern that torture of detainees is a widespread practice. There have also been many reports in the international media of individuals who were seriously maltreated while detained. According to Reuters, (July 24, 1989), in many cases prisoners were being kept in extremely cramped conditions - 40 to 60 persons in small, hot cells with so little room that the prisoners cannot lie down. The report also recounted evidence from two sources that interrogations were sometimes preceded by beatings, giving the examples of a student hit with an electric cattle prod and a writer bashed with rifle butts.

Official television footage has also shown detainees shackled to trees, made to bow "airplane style" (kneeling with head down and arms stretched backwards), paraded in a humiliating way, and handled in an excessively rough and degrading manner by security personnel.

2. Chinese authorities keep pro-democracy detainees incommunicado for long periods, a practice that contributes to torture.

Pro-democracy activists who have been arrested have also been held in incommunicado detention, a common practice in China sanctioned by Chinese law.

Under the *Criminal Procedure Law* persons may be held for up to 10 days before being formally arrested and charged. A detainee has no right to see his or her family or to be brought before a judge promptly after arrest. While article 43 of the *Criminal Procedure Law* requires that the family or unit of a detainee must be informed within 24 of hours after detention has begun, this requirement does not apply in cases "in which such notification will hinder the investigation." In the past, according to Amnesty International, families have frequently not been informed of the detention of a relative or the place of detention for weeks or months after the fact.

Chinese authorities are not complying with the minimal requirements of the *Criminal Procedure Law* (10 day limit on detention without charge and the requirement to inform families). For example, student leader Wang Dan, arrested on July 2, remains in incommunicado detention. *Ming Pao* reported (October 11) that he had been badly beaten and might lose sight in one eye. According to Associated Press, Beijing sources said Wang sent a postcard to a friend, hinting at daily interrogations. According to UPI (November 15) Wang Dan and 40 leaders of the democracy movement are presently held in Qincheng prison, to be tried on "counter-revolutionary" charges.

UNFAIR TRIAL PROCEDURES

1. Chinese trial procedures do not protect the rights of the accused in accord with international standards.

The Chinese authorities moved quickly to sentence some of those alleged to have committed crimes during the "turmoil" of 1989. Initially, a number of the trials and subsequent executions were given massive publicity in China.

Nearly all the defendants who were sentenced amid great publicity were alleged to have engaged in some act of violence against troops or law enforcement personnel, to have seized or damaged State property, or to have taken advantage of the "turmoil" to commit other crimes such as robbery. The authorities apparently sought to discredit the whole pro-democracy movement by suggesting that it was led largely by "thugs" and "hooligans" who committed offenses of this sort.

There are two procedures under Chinese law through which the authorities may put pro-democracy activists on trial: (1) the normal procedure provided in the *Criminal Procedure Law* which applies to criminal trials generally, including the trial of those accused of counter-revolutionary crimes; (2) the expedited procedure, adopted in 1983, which provides for a speeded-up trial of persons accused of crimes involving "serious endangerment to public security." Accused persons can face a death sentence under either of these.

Neither procedure conforms to accepted international standards that protect the rights of accused persons -- in the Universal Declaration of Human Rights and elaborated in the International Covenant on Civil and Political Rights.

In particular, both procedures fail to require or ensure that:
-- a person who is detained is "promptly" informed of the charges against him and can take "proceedings before a court" to decide "without delay" the lawfulness of his detention;
-- a detainee has access to legal advice at an early stage;
-- trials are held in public (many trials resulting in death sentences have been held *in camera*); and
-- the preconditions under interna-

tional law for the imposition of capital punishment are observed.

Under neither the normal nor expedited procedure for criminal trials must the authorities grant a detainee prompt access to legal assistance after detention. The defendant must be informed of his right to appoint a lawyer only when the bill of prosecution (which describes the charges) is given to him. In normal circumstances, this bill must be handed to the defendant no later than 7 days before the trial begins. This minimum period does not furnish sufficient time for a defendant to consult with a lawyer and to prepare an adequate defense to serious charges which may carry a death sentence, long-term imprisonment, and/or loss of civil rights. Under the expedited procedure adopted in 1983 even this minimal 7-day period between being officially charged and the trial need not be observed.

Under the normal procedure, a defendant has a right to one appeal. Article 131 of the *Criminal Procedure Law* provides that an appeal must be lodged within 10 days after the written judgment or order is received. Under the expedited procedure the defendant has only three days to file.

Article 144 of the *Criminal Procedure Law* originally provided that all capital sentences were to be reviewed by the Supreme People's Court, China's top judicial body, before they could be carried out. However, in cases that involve charges of seriously endangering public security, the approval of the Supreme People's Court no longer must be obtained before a death sentence can be carried out. The net result of these provisions is that the review of a death sentence is incorporated into the appeal hearing. When the government applies the expedited procedures, a defendant can be arrested, tried and executed within a matter of days.

2. *Expedited capital sentences and executions take place.*

A number of capital sentences were handed down and executions carried out within weeks of June 4. In many instances, although trials were not held in public, the sentences were pronounced and the accused paraded and publicly humiliated before thousands of people. Officials confirm forty executions.

On June 21, 1989, in Beijing, seven people were executed. All had been sentenced to death on June 17, 1989 by the Beijing Intermediate People's Court - less than 2 weeks after the alleged commission of the crimes for which they were convicted; presumably their appeals had already been turned down by June 21.

On June 21, 1989, in Shanghai, three men were executed for setting fire to a train which had plowed through a group of demonstrators blocking the track in protest against the Beijing massacre. The train killed six people and injured at least six others. The three defendants were tried under the special expedited procedure applicable to crimes endangering public security - arrest warrants were issued on June 8 and the three were executed on June 21.

On June 20, *Jinan Daily* reported 17 people were executed there after having been paraded through the streets. Their sentences - for actions roughly two weeks earlier - were announced before about 10,000 people; some 45 defendants were then sentenced to long prison terms or death.

The executions have continued. Six persons were reported to have been executed in Chengdu in early November for participating in local riots that followed the Tiananmen crackdown. On December 8, 1989 two persons were sentenced to death for killing a policeman during the military incursion into Beijing.

While many people have been sentenced to death, a large number have not yet been executed. In more than 100 cases death sentences have been suspended for two years, a period intended to allow a convicted person to demonstrate, through exemplary behavior, that he or she should not be executed.

3. *Extra-legal executions and secret trials are alleged.*

There have also been reports that executions have been carried out secretly, without even a show of compliance with the requirements of Chinese criminal law. A UPI report of July 27, 1989 quoted Chinese and Western sources who said that the authorities were secretly executing scores of people for offenses related to their involvement in the pro-democracy movement. Other sources have also reported on secret executions in Beijing in early July.

It is suspected that many of those who have been arrested may have been sentenced in secret proceedings to imprisonment or "reform through labor". While there have been no public trials of students, Reuters reported on December 11, 1989 that 6 Beijing students from the prestigious diplomatic training institute, the Collge of Foreign Affairs, were tried in secret in November for their role in the pro-democracy movement. Four were reportedly convicted of counter-revolutionary crimes, the other two of theft. These secret trials were said to be closed even to family members. Such trials are a clear violation of international human rights norms.

THE RIGHT TO FREEDOM OF ASSOCIATION AND ASSEMBLY

Both before and after June 4, 1989 the Chinese authorities have sought to suppress the activities of organizations engaged in peaceful pro-democracy political activities. The repressive measures have consisted of informal denunciations and formal declarations of the "illegality" of these organizations, and the harassment, arrest and trial of their members.

Martial law decrees declared a number of Beijing organizations to be illegal and called on their leaders to turn themselves in and their members to disband in the aftermath of June 4. By the end of June the authorities were reported to have declared illegal some 31 organizations in 11 provinces.

Groups formed in Beijing during the pro-democracy movement have been among the prime targets of the government's crackdown. Before the massacre, officials denounced some of these organizations as illegal and harassed their leaders, but the main attack has come since June 4.

Two of the most prominent government targets have been the Autonomous Federation of Beijing University Students ("Students' Federation") and the Beijing Workers' Autonomous Federation ("BWAF"). They have been declared illegal and many of their members have been arrested and harassed.

1. Student groups have been suppressed.

The Students' Federation, established in mid-April, was one of the main groups involved in the pro-democracy movement. An umbrella organization for students from over 40 Beijing universities, it was founded as an alternative to the government-sponsored, official student organizations. It was prominent in putting forward the demands of the students and seeking dialogue with the government. It also played a major role in the organization and co-ordination of peaceful demonstrations in Tiananmen Square.

The Students' Federation was denounced as an "illegal" organization before June 4 and was one of the organizations formally declared illegal by the government in Martial Law Decree No. 4, issued on June 8, 1989. Its leaders and members have figured prominently on the government's "wanted" lists; a number of them have already been arrested. Members of other student associations both in Beijing and elsewhere have also been arrested or placed on wanted lists.

There have been no official reports of student activists being tried and sentenced for their role in the pro-democracy movement. However, many students have been required to undertake reform through labor and have been sent away from Beijing. As noted, news services reported on secret trials of Beijing diplomatic academy students sentenced to 7-10 years.

Employment sanctions against pro-democracy students have been noted. The *South China Morning Post* (July 27, 1989) reported that graduating students known to have participated in demonstrations were being denied the State-assigned jobs which they had been previously allocated. The Chinese government also announced a substantial reduction in the numbers of students permitted to enter universities in fall 1989; at Beijing University, which was singled out for harsh measures, first-year enrollment was reduced from 2,000 to 800.

Students have been required to undertake political re-education, involving studying the speeches of senior leaders on the June crackdown and other issues. Students in several institutions were required to prepare a series of essays in which they were required to:
– describe their whereabouts and actions between April 15 and June 4, with names of witnesses who could confirm their account;
– report on their thoughts during that period; and
– detail their conceptions of "social democracy" and the appropriate means to achieve it in China.

2. Workers' organizations and other groups have been suppressed.

Many workers' associations have also been subjected to government repression. The Beijing Workers' Autonomous Federation ("BWAF") has been a prime target. The BWAF, formed in May 1989, was part of an attempt to establish autonomous workers' groups independent of the government-sponsored All China Federation of Trade Unions. The BWAF claimed to represent workers in more than 40 industries in Beijing and supported many of the students' goals.

The BWAF was declared illegal by Martial Law Decree No. 10, issued on June 12, 1989. Some of its leaders and members were subsequently arrested and detained; some are on "wanted" lists; some have been tried and executed. The government's campaign of suppression has also extended to workers' organizations in other parts of the country.

On November 14, 1989, the governing body of the International Labor Organization (ILO) adopted a complaint alleging violation of trade union rights in China. (Case 1500)

Other groups have also been victims of the government's crackdown. Martial law decrees have declared illegal the following organizations: the Beijing Residents' Autonomous Union, the Capital Intellectuals' Union, and the Capital Patriotic Society for the Preservation of the Constitution.

3. Chinese government actions are violations of freedom of association.

The organizations declared illegal and whose members have been arrested or harassed, were engaged in peaceful political activities, expressing their views of the need for political reforms and asserting the right of citizens to form organizations separate from government-sponsored ones.

The government's campaign of repression against these organizations constitutes a grave violation of the rights of freedom of association and expression of its citizens. Limitations of these rights in the interests of national security, public safety and public order are only permissible under international law if they are necessary in a democratic society.

The Chinese government's claims that its legitimate needs of public order and national security justify continuing repression are patently unconvincing in view of the peaceful activities of those engaged in the pro-democracy movement. The only convincing explanation for the government's actions - that it was not prepared to tolerate the expression of views and political demands opposed to those of the dominant political faction - is the very essence of the human rights violation, not a justification for it.

FREEDOM OF EXPRESSION, FREEDOM OF THE PRESS AND ACCESS TO INFORMATION

Since the declaration of martial law, the Chinese government has imposed official, highly effective restrictions on the news-gathering activities of Chinese and foreign journalists, has victimized journalists who have not observed the official line, and has severely restricted means of national and international communication. Rights violations are evidenced by government decrees, by official treatment of Chinese and foreign journalists, and by the changes in the content of Chinese press reports after imposition of martial law.

In the weeks before martial law, the official Chinese media offered vivid and accurate coverage of the Beijing protests and of the demonstrators' goals. After imposing martial law, the government moved quickly to restrict the new freedom of the press. Martial Law Decree 3 forbade Chinese journalists from using "news coverage to issue inciting or inflammatory propaganda."

Since June 4, the media have rigidly repeated official justifications of the suppression of the pro-democracy movement, official estimates of arrests and killings, and government claims that the movement's leaders were a small "counterrevolutionary" band. The authorities have ousted many editors and reporters who reported events openly and accurately. The official New China News Agency and the government-run Central China Television were placed formally under military control.

Other government actions have also curtailed expression rights. Martial Law Decree No. 1 provided "It is strictly forbidden in any way to create and spread rumors, establish ties, make speeches [or] distribute leaflets..." It authorized public security forces, armed security forces and the army to "adopt any means necessary to deal firmly with any violations of the order. Martial Law Decree No. 12 (June 9, 1989) forbade "printing and organizing the posting and distribution of rebellious counter-revolutionary slogans, handbills, and big and small character posters" and ordered their removal.

The regime also undertook an extensive campaign to ban all books deemed subversive, sending police and officials to scrutinize all book stores and stalls and to seize hundreds of thousands of books that purportedly contain "bourgeois liberal ideas." New China News Agency reported that Beijing police and publishing authorities had confiscated about 180,000 books. According to *Ming Pao*, Beijing bookstores may not sell works by ten leading intellectuals; 133 different books and journals containing "subversive ideas" were banned.

There have also been severe restrictions on the access of Chinese citizens to outside sources of information, as well as limitations on the access of foreign media to Chinese citizens. Martial Law Decree No. 3 established limits on foreign journalists: it banned foreign journalists from "going to official institutions, organizations, schools, factories, enterprises and neighorhoods to conduct news-gathering activities, take photos, make videotapes and engage in similar activities" without official permission.

Shortly after martial law, the satellite and wire transmissions of foreign news services were disrupted, to be restored and disrupted on later occasions. After June 4, non-PRC print and television journalists were warned about and hindered in their news-gathering activities by Beijing public security forces; arrests of a BBC journalist and crew, and expulsions of two Voice of America, one Associated Press, and other reporters were mostly for alleged violations of martial law restrictions on newsgathering.

Finally, government decrees and actions have severely limited the ability of Chinese citizens throughout the country to receive information from abroad. In Beijing Martial Law Decree No. 15 (June 18, 1989) prohibited the possession of fax machines, and the authorities' close monitoring of fax machines in workplaces was aimed largely at stemming receipt of outside news reports from Hong Kong and elsewhere. Some local authorities issued regulations barring the receipt from abroad of faxes or news. Letters from abroad, and especially from Hong Kong were carefully monitored by authorities - a violation of the right to privacy (Art. 12, Univ. Declaration).

These severe restrictions on Chinese citizens' rights to freedom of expression and information cannot be justified. When it imposed martial law, and in the weeks since, the government faced no serious threat of grave public disorder or violent revolution. The restrictions on these rights have greatly exceeded any level warranted by any existing threat of social unrest.

CONCLUSIONS: GROSS VIOLATIONS OF HUMAN RIGHTS IN CHINA

The facts recounted above make it plain that in its suppression of the pro-democracy movement the Chinese government has engaged in gross violations of the fundamental rights and freedoms of its citizens.

These rights include some from which international law permits no derogation, even during a public emergency threatening the life of the nation. Among the rights violated are:

(1) the *right to life* of many of its citizens (Univ. Declaration, Art. 3)

(a) by its disproportionate and indiscriminate use of lethal force in its military operation in Beijing in June, compounded by its refusal to carry out an independent investigation into the killings;

(b) by its arbitrary execution of persons involved in pro-democracy protests, in blatant disregard of the procedural and substantive guarantees required by international law to be observed.

(2) the *right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment* (Univ. Declaration, Art. 5, and Convention Against Torture), by its treatment of those persons who have been arrested, interrogated and tried in the crackdown;

(3) the *right not to be subject to arbitrary arrest and detention* (Univ. Declaration, Article 9), most prominently in the post-June 4 crackdown, but also by imposing unjustifiable or disproportionately severe sentences on those put on trial for actions taken as part of the pro-democracy movement;

(4) the *rights to freedom of peaceful assembly and association* (Univ. Declaration, Art. 20), by its suppression of essentially peaceful demonstrations, by banning the formation of student and worker organizations, and by the imposition of criminal or other penalties on leaders of several such new independent organizations;

(5) the *right to a fair and public trial by an independent and impartial tribunal* (Univ. Declaration, Art. 10) and *the right of an accused person to be presumed innocent and to be provided with the guarantees necessary for his defence* (Univ. Declaration, Art. 11), by the way it has dealt with persons arrested since June 4, and

(6) the *right to freedom of opinion and expression and the freedom to seek, receive and impart information and ideas* (Univ. Declaration, Art. 19), by the actions it has taken to prevent the reception by its citizens of information from independent sources.

While international law does permit full enjoyment of these rights to be restricted in some circumstances, it is plain that the Chinese government may not derogate from certain of these rights, in particular the right to life and the right not to be subjected to torture or other ill treatment. As the International Covenant on Civil and Political Rights puts it, such derogation is permissible only "[i]n time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed" (Art.

4). Even then, derogation is permitted only "to the extent strictly required by the exigencies of the situation."

Chinese justifications of its actions are invalid.

The Chinese government has sought to justify its actions by portraying the pro-democracy movement as a violent uprising gravely threatening social order, to which it responded with reasonable and measured force and other measures. Yet it is clear that the overwhelming majority of those involved in the pro-democracy movement were peaceful in their objectives and their actions. What they posed was not a threat to the life of the nation, but a threat to a ruling group desperate to retain its own power and privileges. Under international law, that is not enough.

China's claim of interference in its internal affairs is untenable.

The Chinese government has responded to international criticism of its actions by asserting that its suppression of the pro-democracy movement is a purely "internal" matter and is not a legitimate concern of the international community. However, such a claim is simply untenable in the context of present international law relating to massive violations of human rights as well as being inconsistent with China's own conduct in international human rights fora.

China has voluntarily accepted obligations under treaties which require it to ensure the enjoyment of human rights by its citizens. When China was admitted to the United Nations, it assumed an obligation under the UN Charter to take joint and separate action to "promote . . . universal respect for, and observance of, human rights and fundamental freedoms for all" (UN Charter, articles 55 and 56). It is bound by established human rights standards which are part of customary law or which have been accepted by the international community as interpreting the human rights provisions of the Charter, in particular the Universal Declaration of Human Rights, which enshrines many customary international law standards.

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This *In Brief* is a summary of ***Massacre in Beijing***, a report by the International League for Human Rights and the Ad Hoc Study Group for Human Rights in China, and of subsequent documentation submitted to the UN Secretary-General in accordance with Resolution 1989/5 of the Subcommission on Prevention of Discrimination and Protection of Minorities. The full Report is available from the International League, 432 Park Avenue South, New York, NY 10016 for $12.00.

The International League for Human Rights, founded in 1942, works to end torture, disappearances, religious intolerance, censorship and other human rights abuses. It is a private, non-governmental human rights advocacy organization that has consultative status with the United Nations, where it often speaks out against rights violations by member states. The League accepts no funding from any government or intergovernmental body. Its Chairman is Jerome Shestack. Its President is Leo Nevas. Felice Gaer, Executive Director, is also editor of *In Brief*.

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PUNISHMENT SEASON—HUMAN RIGHTS IN CHINA AFTER MARSHAL LAW

(By Asia Watch—Embargoed for Release to Newspapers, February 7, 1990)

INTRODUCTION

The recent lifting of martial law in Beijing (though not, it should be remembered, in Lhasa) has little significance if viewed as anything other than a public relations exercise—and as one designed largely for international, and especially U.S. Congressional, consumption. Having successfully bludgeoned the population of Beijing into temporary submission, and having installed a fearsome network of vigilante, police and paramilitary forces throughout the Chinese capital in order to maintain the repression, the authorities can now easily afford to dispense with the formal institution of martial law and to return the People's Liberation Army to barracks. Western diplomats in Beijing report that the troops have largely been relocated in the suburbs of the capital, rather than having been returned to their original provinces. They also note that tens of thousands of them still remain in the capital, having merely exchanged their PLA uniforms for those of the semi-civilian, paramilitary People's Armed Police.[1]

Other world leaders were not impressed by this move, but President Bush, anxious to be able to show some kind of result from his excessively conciliatory policy towards Beijing since last June, uncritically endorsed it as being a good sign and a very sound step.[2]

The U.S. administration's expectation that tangible improvements in the human rights situation in China are just around the corner, and its view that the best way to ensure these is to minimize the degree of external diplomatic criticism and pressure that is brought to bear upon the present Chinese regime, are entirely unsupported by the facts. Although less visible than before, the repression—the big chill—nonetheless continues to develop apace, and in certain respects has substantially deepened. On November 29, the New China News Agency quoted a senior official of the Supreme People's Procuratorate, Zhang Siqing, as saying that China's prosecutors would give high priority next year to cracking down on antigovernment rioters and other major criminals. In 1990, prosecutors would continue to comb out and suppress antigovernment rioters and other criminals, including beaters, smashers looters, burners and killers (the official codewords for last year's pro-democracy demonstrators)[3] This sentiment was reiterated as recently as January 8, 1990 by the President of the Supreme People's Court, Ren Jianxin: Priority should also be given to cracking down on criminals harmful to social stability and dealing with the criminal cases arising from last year's unrest and riots.[4]

On December 3, 1989 the Washington Post, citing Chinese sources, reported: The authorities recently launched a new wave of investigations aimed at tracking down and prosecuting participants in the student-led democracy movement. The targets of the unannounced dragnet include student antigovernment rioters and Communist Party scum who supported the movement last spring. In a recent, publicized speech, Beijing's hard-line party chief, Li Ximing, expressed his dissatisfaction with the slowness of the hunt.

On China's campuses, which served as the main incubators of last year's pro-democracy movement, the atmosphere is grim. According to the Hong Kong newspaper Ming Bao of December 26, 1989: The Chinese People's Political Consultative Conference has suggested that severe punishment be meted out to those young and middle-aged university teachers who still refuse to repent and mend their ways and who are suspected of 'acting as evil backstage manipulators.[5]

The recent announcement by the Chinese authorities (again, apparently, timed to coincide with the reopening of Congress) that 573 detainees have now been released[6] is in essence a publicity stunt. If true, the move is of course to be welcomed. But the fact is that anywhere between 10,000 and 30,000 people, according to independent Western estimates, remain behind bars in China on account of their pro-democracy activities last summer. The great majority of these are ordinary workers who (unlike many of the detained students and intellectuals) have no contact whatever with the outside world, and their fate is thus impossible to monitor at present. The Chinese government has shown an iron fist to the extensive independent workers' movement that emerged throughout China last May, and there is no indication that it will slacken, even slightly, this campaign of repression at the grassroots level.

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[1] Washington Post, January 11, 1990. According to Ming Bao (January 12), 40,000 troops have been reequipped as People's Armed Police.

[2] New York Times, January 12, 1990.

[3] Cited in South China Morning Post, November 30, 1989.

[4] FBIS, January 11, 1990.

[5] In FBIS, December 26, 1989.

[6] New York Times, January 19, 1990. Significantly: A public security official said those released had pleaded guilty and shown repentance. Note that no innocent people were released. In China, lenience is the reward of contrition, not of innocence.

As a minimum step, the Chinese authorities should now publish a full list of names of the 573 persons recently reported to have been released. Furthermore, Asia Watch invites the Chinese government to allow our organization to send, with U.S. Congressional representation, a formal mission to Beijing in order to verify the releases and to ascertain the numbers of those still detained and their conditions of detention.

While presenting internationally the lifting of martial law as being a proof of the crackdown's end, the authorities have taken pains to ensure that the Chinese people receive a different message. According to a People's Daily editorial of January 11: The lifting of martial law does not mean peace and tranquility across the land. International reactionary forces are bent on subjugating our country. A handful of stubborn bourgeois liberalists at home are not reconciled to their defeat. After our victory in curbing the turmoil and quelling the counterrevolutionary rebellion and the lifting of martial law, we must not lose our vigilance. We should deal a timely and forceful blow at the sabotage by hostile forces, and those who violate the law should be sternly dealt with according to law.[7]

Chinese sources report an official but undeclared policy of outinard relaxation, internal intensification (waisona neijin) to be now operating as regards the crackdown in China. According to the U.S.-based Shijie Radio (World Journal, December 14, 1989), Premier Li Peng's recent statement to the editor of the West German Die Welt that those who took part in marches, demonstrations or hunger strikes, and those who supported them * * * will all be dealt with leniently * * * and not punished at all, was later flatly contradicted in an internal directive issued to the provinces by the Office of the Communist Party Central Committee. Citing an unnamed official from the latter organ, Shijie Radio revealed that this internal directive had ordered the localities, in dealing with pro-democracy activists, to eradicate the evil once and for all, and to leave no vestiges of the plague; Li Peng's comment to Die Welt was merely directed to the outside world, for propaganda effect, said the official.

On the very day of the ostensible lifting of martial lain in Beijing, at least four people were arrested in Tiananmen Square: two for attempting to lay a wreath in the Square, discreetly marked in memory of those killed here by accident; an elderly man for making sarcastic comments to policemen stationed at the Monument to the People's Heroes; and a middle-aged woman for daring to talk with a British television team.[8] All this is unrepentant Stalinism at its most wearily familiar, and it requires considerable naivete to see the recent cosmetic face lift in Beijing as representing any substantive progress toward human rights.

In this report, Asia Watch seeks to underline the continuing serious nature of the repression in China by cataloging in summary form the inside range of human rights abuses recently and currently being committed by the Chinese authorities.[9]

1. Arrests and Executions

What are human rights? As understood by Western scholars, they are the innate rights of human beings, or the basic rights and freedoms enjoyed by a person as a human. They primarily consist of the rights to life, freedom, equality, property, self-defense and happiness, and the right to oppose persecution. These rights are innate, permanent, universal, and nontranferrable. They cannot be taken away * * *

In the context of Marxism, [however,] such an interpretation of human rights is unscientific, incorrect, contrived, biased and idealistically metaphysical * * * Human rights, like democracy and freedom, are concrete and class-oriented.

Since June 1989, the Chinese authorities have again been waging a war against the so-called class enemy—an elastic term that has been used to stigmatize countless different groups of people in China over the past forty years, but which currently denotes the students, workers and intellectuals who actively promoted or took part in last year's pro-democracy movement. Several hundred and perhaps as many as a thousand of these counterrevolutionaries were killed on the streets of Beijing by the Chinese army as it converged from all directions on Tiananmen Square on the night of June 3-4, and many thousands more have been hunted down and placed in incommunicado detention by the security forces since then. There have been at least 40 officially announced executions of pro-democracy demonstrators, and secret executions may also have occurred.[10] On November 4, 1989, Reuters quoted William Webster, head of the CIA, as saying that probably thousands of people have been killed since the crackdown first began.

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[7] In FBIS, January 10, 1989.

[8] UPI, January 12, 1990; Shijie Radio, January 13; China Morning Post, January 12, in FBIS, same day.

[9] Since the focus of this report is upon the recent and continuing human rights disaster in China, the report does not attempt to describe or summarize the wholesale and egregious violations of human rights committed by the Chinese authorities on June 3–4, 1989 and during the immediate aftermath.

In late June or early July, following the international outcry over the scale and severity of the crackdown, the authorities issued a confidential directive sharply curtailing the open reporting of arrests and executions in the Chinese media, in an effort to convey the impression that it had somehow diminished. But the arrests have continued, largely in secret, right through to the present, and reports of further executions having recently been carried out continue to appear in the provincial press, to which foreign observers have only restricted access.

According to Asia Watch's information, most of those detained have neither been charged nor brought to trial, and often their families have not even been informed as to their place of detention. Those people who have been brought to trial have been subjected to expedited and summary trial proceedings, under a system of justice which specifically rejects the principle of the presumption of innocence and in which (according to the Chinese authorities themselves) verdicts are usually decided upon before the trial even begins.

The majority of those brought to trial have been convicted on charges of counterrevolution, a blatantly political category of criminal offense, and the sentences handed down in such cases have generally ranged from 10 years to life imprisonment. Others have simply been sentenced without any trial at all—usually to 3 year terms of re-education through labor, a form of incarceration that is dispensed solely on the authority of the police, and in which no appeal to the courts is possible. In addition, many of the detainees paraded on Chinese television last summer showed signs of severe physical abuse. As the Chinese authorities themselves have admitted in recent years, the use of beatings and torture to extract confessions is a common practice in Chinese jails.

In most cases, the prison sentences handed down by the courts have been entirely disproportionate to the alleged crimes. In July 1989, for example, three men accused of throwing ink and paint-filled eggshells at Mao's portrait in Tiananmen Square in May were sentenced to prison terms ranging from 16 years to life. And on December 7, 1989, a worker in Changsha was sentenced to 13 years imprisonment for making pro-democracy speeches and engaging in independent labor union activity.[11]

Evidence that the Chinese authorities are specifically trying to conceal from the outside world the fact that the political trials still continue was provided by the Washington Post in December 1989: Two trial notices were posted outside the People's Intermediate Court in Beijing this week. One of the defendants was charged with counterrevolutionary sabotage; the other with espionage and counterrevolutionary propaganda and agitation. Court officials, reached by telephone, declined to comment on the two cases. One of them told a foreign reporter, You know that it's not permitted to ask questions like that. When the reporter went to the court to photograph the poked trial notices, a court official ripped them down.[12]

The question of how many people have been arrested or detained since last June is—like the question of how many died in the military crackdown—extremely difficult to answer with any precision, and estimates vary greatly. By adding up various scattered figures put out by the Chinese authorities themselves, Western journalists last summer arrived at a total official arrest figure of at least 6,000. In early December, Beiiing Youth News disclosed that 2,578 people had been arrested in connection with the pro-democracy movement in Beijing in the 24-day period following June 4, and that only 190 have since been released; moreover, this total referred only to so-called ruffians (or thugs), and it excludes all workers or students detained on non-violent and purely political charges.[13]

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[10] The Beijing correspondent of reported on July 27, 1989 that more than 40 people had been secretly executed during the previous 2 weeks at Lugouqiao (Marco Polo Bridge) in the suburbs of Beijing.

[11] See Appendix for details.

[12] Washington Post, December 3, 1989.

[13] Agence France Press, December 5, 1989; in FBIS, January 3, 1990.

Other sources (cited by UPI), indicated that 6,000 people had been arrested in Beijing alone by the end of July, and the Washington Post last October cited sources with access to internal government documents as putting the figure at more than 10,000 nationwide. Western diplomats interviewed in Beijing last November estimated that anywhere between 10,000 and 30,000 people had probably been arrested in China since the commencement of the crackdown. Citing well-placed Communist Party sources, a recent article in the Washington Post (January 17, 1990) reported that more than 800 of those involved in last year's movement had already been tried and sentenced to prison terms in recent months, many for 10 years on charges of divulging state secrets or disseminating counterrevolutionary propaganda.

Even those injured by government troops on the night of June 3-4 reportedly continue to be persecuted by the authorities. According to an interview conducted in China in October 1989 by the Star Tribune: Wang was on a Beijing street, a curious bystander, when a soldier's bullet shattered his bones and marked him with a label he may never shed. As China continues its crackdown on the democracy movement that erupted in June, Wang and the other wounded are in great danger. The dead are beyond reach, the unmarked cannot be found, and so official wrath is focussed on the injured. Investigators have endless questions. Why was he out in the streets? What slogans did he shout? What banner did he wave? Who else was around him?[14]

In addition, large numbers of students and workers are currently under active investigation by the authorities, on campuses and in the workplace, for their alleged activities during the events of last summer; to facilitate the purge, people are being cajoled by the authorities to inform upon one another. At one of Beijing's elite universities recently, a teacher interviewed by the New York Times described a faculty meeting with the Party secretary, who complained that while some students had informed on others, no teachers had done so, behavior that set a bad example * * * We felt he had no sense of shame.[15] In at least two recent reported cases, students have committed suicide as a result of this intense official harassment and pressure.[16]

As for China's long-suffering intellectuals, who have been the target of repeated campaigns of persecution and intimidation since 1949, there are signs that their present plight may worsen still further. In December 1989, the Hong Kong journal Bai Xing reported that Wang Zhen, vice-President of the PRC, had proposed at a recent Party meeting that 4,000 intellectuals in Beijing who stand opposed to the Party be sent into exile in Xinjiang, the northwest frontier province where China's vast Gulag lies, so that they could be transformed there.[17]

Despite the crude severity of the government repression, China's prodemocracy movement has not been silenced completely. In a remarkable act of courage, 30 students from the Beijing Institute of Aeronautics on December 9, 1989 defied martial law by staging a protest march along central Chang'an Avenue and carrying banners saying Freedom and Democracy and Why is China so poor? They were promptly set upon and beaten by the police, and eight of them were taken into custody, though one later escaped. Onlookers, who had begged them to disperse, reportedly wept openly as the students were hauled away.[18] Revealing a striking—but characteristic—presumption of guilt, an Education Ministry spokesman later told Reuters: These students illegal assembly and speeches * * * break martial law. They are detained and awaiting their sentences.

The Chinese authorities relentless hunt for scapegoats to blame for their drastic recent loss of popular support and legitimacy continues. Asia Watch has documented several dozen further arrests and trials of prodemocracy individuals that took place between October 1989 and January 1990, and has received reliable reports that many others (though names are not yet known) were arrested or tried over the same period. The following examples convey the general flavor of the continuing repression in China.

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[14] Star Tribune (Minneapolis, Minn.), December 24, 1989.

[15] New York Times, January 2, 1990. Reported: The Party secretary was particularly outraged because he had received anonymous letters purporting to inform on him. According to another, slightly earlier interview: A professor, heaving a sigh, said: My students become cynical, suffer agonies, fall into despair, and are at a loss, and the school and students are changed beyond recognition (FBIS, December 27, 1989.)

[16] Both were from Qinghua University, Beijing. According to the Hong Kong Standard of December 1, 1989, a postgraduate student named Tang Zujie, 23, jumped from a sixth-floor window on campus on October 1, China's National Day. An economics postgraduate named Guo Wei, 24, killed himself on November 2.

[17] Bai Xinq, December 16, 1989; in FBIS, December 19.

[18] Washington Post, December 14, 1989.

Wang Juntao and Chen Ziming, two intellectuals who headed one of the Chinese authorities most wanted lists, together with Chen's pregnant wife, Wang Zhihong, were arrested near Canton last October while reportedly trying to escape to Hong Kong. Three Hong Kong residents, Luo Haixing, Li Peicheng, and Longqing, alleged to have been active in the underground rescue network, were also, between October and December, arrested in China in connection with the case. Wang Juntao and Chen Ziming are largely unknown in the West, but they were key figures in the 1989 prodemocracy movement. Indeed, both have played a major role in China's dissident movement ever since 1976, when they were arrested and jailed for helping to organize the popular mass demonstrations in Tiananmen Square against the regime of the Gang of Four. During the Democracy Wall movement of 1978–80 (the forerunner of last year's movement), Wang Juntao founded and edited an unofficial prodemocracy magazine called Beijing Spring. And in 1980 he stood as an independent candidate for the local Beijing legislature, in the first openly contested elections ever to be held in the People's Republic.

Prior to last year's crackdown, Wang, 31, was a leading member of the Beijing Institute of Social and Economic Sciences and associate chief editor of the influential (and now banned) Economic Studies Weekly. Chen Ziming, 37 years old and from Zhejiang Province, is also a leading veteran of the Democracy Wall movement. Until June 4, he was director of the Beijing Institute of Social and Economic Sciences, a pioneering private research organization and think-tank that worked closely with the Party's reform faction headed by Zhao Ziyang.

On November 5, 1989, a man named Zhao Sujian was arrested in Henan Province for having allegedly spread counter revolutionary slogans. According to the Henan Daily of December 3: On 20 May this year, more than 30 slogan posters with extremely reactionary contents were discovered on some main streets, the downtown district, and at the gates of some institutions, schools and factories in Kaifeng City * * * The Kaifeng Public Security Bureau organized nearly 100 cadres and policemen to handle this case. Through nearly 5 months hard work, they eventually ferreted out the hidden criminal.

Criminal Zhao Sujian, male, 33 years of age, is a cadre in the Kaifeng Housing Construction Company. He began to write and put up counterrevolutionary slogans with extremely reactionary contents in 1987. In the spring and summer of this year, when turmoil and a counterrevolutionary rebellion occurred in Beijing, Criminal Zhao took advantage of the opportunity and twice wrote and put up 36 counterrevolutionary posters on April 25 and May 20 [i.e., the day on which martial law was declared in Beijing], thus adding fuel to the flames in the counterrevolutionary rebellion.

In the interrogation, Criminal Zhao confessed his crimes of writing counterrevolutionary slogans three times, organizing illegal demonstrations, giving counterrevolutionary speeches at Henan University, openly spreading what Voice of America broadcast in his own company, together with other illegal and criminal activities.[19]

Two points stand out clearly from this classic piece of demagoguery: first, that Zhao Sujian is being persecuted and charged with counterrevolution—the most serious crime possible in China, and potentially a capital offense—purely on account of his exercise of the right to free expression; and second, that the release of such prejudicial pretrial commentary on the case by the authorities, with its manifest presumption of guilt, erases all possibility of Zhao ever receiving a fair trial. Such strongly prejudicial commentary by the authorities is found in virtually all of the Chinese press reports on prodemocracy arrests seen by Asia Watch since last June.

On December 7, the Changsha Intermediate Court in Hunan Province tried and convicted two workers, Zhang Jingsheng, 35, and Wang Chunhuai, 38, on charges relating to their non-violent activities during last year's prodemocracy movement. According to the Hunan Daily of December 9, Zhang Jingsheng, a casual laborer in Shaoguan, was sentenced to 13 years imprisonment for making prodemocracy speeches at Hunan University, joining an illegal workers union, writing antigovernment leaflets and inciting workers to strike and students to boycott classes.

A Hunan Radio broadcast added that Zhang, on May 4 last year, had given a speech at the Changsha Martyr's Memorial calling for the release and rehabilitation of Wei Jingsheng, who was sentenced to 15 years imprisonment in 1979 and is China's best known jailed dissident. A veteran of the Democracy Wall movement himself, Zhang has already spent 4 years in prison, during the early 1980's, after his conviction on charges of counter-revolutionary propaganda for founding and editing a dissident magazine. In true Orwellian vein, the Hunan Daily pointed out that Zhang had continued to have a hostile attitude toward the people after his release.

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[19] In FBIS, December 15, 1989.

Wang Chunhuai, formerly a worker at the Changsha Automobile Factory, on May 22 joined the recently-set-up Autonomous Workers Federation, quickly becoming head of its organization and propaganda sections. Awed by the power of policy and law, Wang surrendered to the public security organs on June 15, according to Hunan Radio, and he was given a sentence of 3 years imprisonment at his trial last December.

In a significant new development, the authorities recently held secret trials of students detained in the aftermath of the prodemocracy movement. Previously, the great majority of those brought to trial and sentenced since June 4 for their activities during the movement had been either workers or unemployed. According to Reuters (December 11, 1989), however, six students from Beijing's College of Foreign Affairs, a prestigious institute for the training of future diplomats, went on trial in November. Requesting anonymity, sources told Reuters that four of the students were convicted of counterrevolution, and the other two on charges of theft; the court imposed punishments ranging from 7 to 10 years imprisonment. Reportedly, the trials were closed even to the accused's families, and the names of the students are not yet known.

Earlier this month, Politburo member Li Ruihuan assured a foreign journalist that only about a dozen to 20 intellectuals would eventually be tried and sentenced in connection with the events of last year. Similar official statements have often been made concerning the students. If true, then there can be no justification whatever for the authorities continued detention of large numbers of students and intellectuals throughout the country, who are not facing trial. They should be freed forthwith. More likely, however, given that secret trials are already known to be underway, is that the great majority of currently detained students and intellectuals are also destined for secret trials, and that only the trials of a very select few will be offered up for public consumption

Asia Watch has established the identities and documented the circumstances (where known) of more than 500 of those arrested by the Chinese authorities since last June on account of their involvement in the prodemocracy movement. According to all independent estimates, this total represents only a small fraction of the true number of arrests, most of which have never been publicly announced by the authorities. People from virtually—all walks of life—students, professors, journalists, artists, engineers, government officials, businessmen and, above all, ordinary workers have been arrested for their involvement in last year's prodemocracy movement. Many have been accused of committing, acts of violence during and after the government's June 3-4 assault on Tiananmen Square. Many others, however, have been accused solely of non-violent activities relating to their free expression of political and other beliefs and on account of their involvement in peaceful protest demonstrations. The majority of those still held have, as far as is known, never been charged at all. The most recent reported arrests were of eight student activists in Lanzhou, northwest China, in early January 1990.[20]

The detainees fall into four broad categories:

First, workers who organized or participated in independent labor organizations that were set up in Beijing and elsewhere in May and early June last year. The most prominent of these groups was the Beijing Autonomous Workers Federation, whose headquarters were sited in the northwest corner of Tiananmen Square. Similar workers' groups, sometimes with very sizeable memberships, appeared in most other major cities in China around the same time. The aim of these independent labor organizations was to provide authentic representation of workers' interests, both economically and politically.

Second, students who played key roles in the formation of such groups as the Beijing Students Autonomous Federation, the Autonomous Federation of Students from Outside Beijing and numerous other independent campus organizations; students who participated in the mass occupation of Tiananmen Square and the week-long hunger strike there; those who organized and ran independent printing presses and published prodemocracy literature of various kinds; and those who acted as liaison links between students in Beijing and in the provinces. Toward the end of the prodemocracy movement, there were at least as many students from the provinces in Tiananmen Square as from Beijing itself; however, because of the present difficulty in obtaining information, the fate of most of those students who made it back to their home towns after June 4 is not known.

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[20] Agence France Presse, January 8, 1990. In FBIS, same day.

Third, leading intellectual figures, journalists, Party theoreticians and college professors, all so-called black hands of the movement, whose public statements and writings prior to last spring are said by the authorities to have embodied bourgeois liberal thought and hence to have laid the ideological basis for the counterrevolutionary rebellion of June 3-4; those who openly sided with the students and workers' cause and who played key roles by organizing large protest demonstrations in Beijing and elsewhere; those who organized such influential groups as the Association for Liaison between All Circles in the Capital; and those who helped coordinate funding for the prodemocracy movement and supplied various kinds of material assistance.

Fourth, the huge numbers of ordinary workers and urban residents, both men and women, who physically confronted the army troops and security forces on the streets of Beijing on the night of the massacre, in a desperate attempt to protect the students in Tiananmen Square; those who helped to shelter fugitive students and workers who had been placed on government wanted lists after June 4; those who took part in demonstrations all over China to protest the crackdown in Beijing;[21] and those who continued to offer even the slightest resistance to the martial law regime—including such things as shouting slogans at troops and holding aloft banners (many of these people were simply shot on the spot)—in the immediate aftermath of the military crackdown.

As can be seen, the scope of the repression is immense. Asia Watch and other organizations have published details of many of those arrested from each of these groups since last June, and some of the more prominent of them are already fairly well known outside of China. They include such people as Wang Dan, the student leader from Beijing University who helped originate the protest movement, and several other student leaders who were placed on the government's most wanted list, including Liu Gang and Zheng Xuguang; leading establishment intellectuals and theoreticians, such as Li Honglin, a prominent Party historian, and Bao Tong, the senior advisor to ousted Party leader Zhao Ziyang; outspoken prodemocracy journalists such as Dai Qing, who has perversely been accused by the authorities of inciting the students when in reality she tried to persuade them to quit while they were still ahead, and Wang Ruowang, a 71-year-old writer who was expelled from the Party along with Pang Lizhi in 1987 following the student demonstrations of the previous winter; and the organizers of China's first independent labor movement since 1949, including Han Dongfang and Liu Qiang, both leaders of the Beijing Autonomous Workers Federation.

None of the above persons has yet been brought to trial or even, so far as is known, formally charged, and all have been held incommunicado since their initial detention. In both these respects, their continued detention—like that apparently of the vast majority of those held by the authorities since the crackdown began—is in violation of the Criminal Procedure of China, 1979, and hence unlawful.

The Chinese authorities' arrest and incarceration without trial of these and unknown thousands of other prodemocracy activists and demonstrators constitutes an egregious violation of internationally recognized human rights. The U.S. government should not allow its attention to be diverted from the central fact of these continued mass detentions by such possible impending moves by the Chinese authorities as the selective release of certain of the better known detainees—or by the granting of permission to Fang Lizhi and his wife, Li Shuxian, to leave China (highly welcome though such measures would be).

Only the granting of a government amnesty to all of those now detained for nonviolent expression or association, together with fair and open trials attended by impartial outside observers for all those against whom valid criminal charges can be laid, will suffice as an indication of genuine good faith on the part of the Chinese government. This is what the Reagan administration demanded from the government of Poland as the price for lifting the sanctions imposed by the United States following the imposition of martial law in December 1981, the repression of Solidarity and the arrest of thousands. Indeed, in the case of Poland, the sanctions were not lifted until all the counterparts of China's prodemocracy prisoners were amnestied. In the absence of such an amnesty, selective releases of well known prodemocracy figures in China can be regarded as no more than a carefully calculated ploy, aimed at fostering an improvement in China's international image and its diplomatic relations with the West.

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[21] The largest of these protests took place in Chengdu, Sichuan Province, on June 5-6, 1989. Dozens of people (some accounts claim as many as 300) were killed by the security forces in the ensuing clashes in the city center.

Under Chinese law more than 40 different criminal offenses, notably that of counterrevolution, may be punished by imposition of the death penalty, and executions are extremely common in China.[22] In 1983, the National People's Congress enacted legislative measures designed to speed up the adjudication of internal security cases and cases involving capital offenses, thereby reducing still further the already woefully inadequate procedural safeguards in Chinese law against the occurrence of wrongful execution. While not actually admitting to the latter, the Chinese legal press has in recent years (that is, the period of relative openness that preceded last June's crackdown) publicized a number of cases in which death sentences had been wrongfully imposed on people solely on the basis of confessions extorted through torture, and where the victims were spared execution only as a result of the fortuitous emergence of the truth or because of frantic last minute efforts by defense lawyers. According to the official China Law Daily of September 5, 1988: A particularly serious case occurred [recently] in Anhui Province in which Xie Bingjin, chief of police and former deputy secretary of the Huanggang district Party Committee in Funan County, together with Zhu Gui, the deputy chief of police, used torture to extract confessions from suspects. As a result, two people were subsequently given wrongful sentences of death at the trial of first instance, and one person received a suspended death sentence; another was given life imprisonment and ended up being unjustly jailed.

It is likely that many of those executed for alleged violent offenses since June 1989 were in fact innocent, and had given confessions under duress or been convicted on the basis of grossly insufficient evidence. In addition, one man executed in Shanghai in late June, 1989 on charges of setting fire to a train was said to be mentally retarded, and in the widely televised trial proceedings he appeared not to understand what was going on. (Shanghai TV, June 21, 1989; Wenhui Bao, Shanghai, June 21, 1989).

The peremptory, almost sly casualness with which the Chinese legal system often seems to regard the question of judicial execution may be seen from the following statement, which is taken from a discussion in an official legal textbook of 1986 regarding the provision in Chinese law that pregnant women are to be exempted from capital punishment.[23] Reveals the author: In the view of some [Chinese jurists], if the accused woman is given an abortion prior to the court hearing, then since she will no longer be pregnant by the time the trial began, she can be given the death penalty. And similarly, if the court (sic) performs an abortion on the accused at the time of the trial, then she will likewise become eligible for the death penalty.[24]

In Chinese criminal law, which is held by the authorities to be a mere tool of the dictatorship of the proletariat, loopholes are always available when needed.

As mentioned, at least 40 people have already been executed in connection with the events of last June. Many of them had been convicted of crimes involving no use of violence against the person, but only of crimes against property—typically, such things as burning vehicles, setting fire to trains and obstructing traffic. Others were executed for having allegedly killed martial law troops and armed policemen on the night of June 3–4. Some soldiers and police were certainly killed (the government has so far identified only a dozen or so of them, though claiming much higher fatalities) but in at least some of those cases eye witnesses report that the killings by crowds took place only after the soldiers and policemen had shot and killed unarmed civilians.

In addition, troubling allegations of large scale extrajudicial executions having been carried out in China continue to surface occasionally. A Granada Television documentary screened in Britain late last October contained interviews, filmed secretly inside China, in which Chinese citizens claimed (according to the Hong Kong South China Morning October 23, 1989) that since the imposition of martial law thousands have been killed in police raids and executions. Those interviewed also stated: Students travelling to Fujian and Hebei to spread the news of the massacre [in Beijing] have been unceremoniously killed by local police. In addition: One family was said to have been offered 4000 pounds sterling (HK$50,000) and access to a new apartment, modern appliances and cheap televisions to keep silent after their son was killed by mistake by the secret police.

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[23] For example, Hunan Radio announced on December 27, 1989 that 18 criminals had been executed the previous day (FBIS January 8, 1989); and on January 11, 1990 the China News Service announced the execution the same day of no less than 31 criminals in Canton (Mina Bao January 12, 1990).

[23] Criminal Law of the PRC, article 154.

[24] Xin Zhonacuo Xinafaxue Yanjiu Zongshu, 1949–85 (A General Study of Criminological Research in New China), Gao Mingxuan (ed.), Henan People's Publishing House, p.422.

Reports of new death sentences and of judicial executions of prodemocracy activists recently carried out still continue to appear in the Chinese press. In view of China's past reporting practices on such matters, moreover, it is likely that those announced in the official press only represent a small portion of the total number of recent executions. The following are some of the cases that have been documented by Asia Watch from Chinese press and radio sources:

A man named Sun Baohe was executed in Jinan, Shandong Province on October 14, 1989 according to the Jinan Masses Daily of the following day. He had been charged only with the crime of having set fire to and burned a Shanghai-brand vehicle in the course of a demonstration on June 6.

Three men—Zhou Qi, He Xiaokang and Chen Guangping—were executed on November 7, 1989 in Chengdu, Sichuan Province, following their conviction on charges of beating, smashing, looting and burning during the period June 4–6. According to Chengdu Radio, the three had attacked the police, engaged in robbery, set fire to a movie theatre and destroyed shops. An official of the Chengdu External Affairs Department stated that they had been publicly paraded at a mass rally and then immediately executed.

An execution that was carried out in Beijing on November 30, 1989, that of a man named Liu Baode, gives strong cause for concern that prodemocracy activists may have been tried and executed without the true reasons for their execution (namely their involvement in the protest demonstrations of last May and June) actually being made public. An article in the Beijing Daily of December 1, 1989 provided a detailed account of several cases of violent crime that had recently been brought to trial, giving the names of those charged, listing their precise criminal activities and stating what the court's sentences on the men had been. All these sentences were of various terms of imprisonment there were no death sentences imposed.

The same report, however, stated that Liu Baode, whom it referred to merely as a hooligan, had been executed by shooting after his sentencing on November 30 by the Beijing Intermediate People's Court. No further details, nor any indication of what the charges might have been, were given. Similarly, the report stated that Su Peng, also a hooligan, had been sentenced to death with a 2-year stay of execution, but again the charges were simply not mentioned. This is unique in Asia Watch's experience of monitoring the Chinese press, and given the particular context of this striking omission, one can only assume that the authorities had something to hide or rather, that their aim was to inform (the Chinese people) without revealing (to the outside world).

To sum up, the continuing arrests and executions in China form the cutting edge of a protracted, government-led campaign of punitive repression, and they serve a purely political purpose. As Anthony Dicks, an eminent Hong Kong barrister and professor of law at London University, noted recently in The China Quarterly: On the afternoon of June 4, 1989, the Supreme People's Court roundly endorsed the counter-revolutionary character of the demonstrations, foreclosing any real possibility of contesting this designation in criminal proceedings in the lower courts. The subsequent arrests and trials of alleged counter-revolutionaries have shown once again how easily the procedural safeguards of the criminal law can be swept aside for the convenience of those in power.[25]

2. Prison Conditions and the Mass of Torture

As a result of the clamp down on sensitive information in China today, little specific is known about conditions of detention for those arrested. However, reports that have emerged in recent months indicate that prison conditions are both harsh and brutal. The reports speak of gross overcrowding in cells, severely inadequate diet and widespread infectious diseases and of frequent beatings and worse.

On July 2, 1989, student leader Wang Dan, who topped the government's most wanted list after June 4, was arrested in Beijing when he tried to meet secretly with a Taiwan journalist. Both the journalist and his Chinese driver, a man named Wang Yang, were arrested around the same time. The journalist was later released, but Wang Yang was jailed for 45 days. Now in Australia and seeking political asylum, Wang recently told the Hong Kong newspaper Singtao News of his conditions of treatment in detention. For the entire 45 days, he said, he was kept shackled by handcuffs and leg irons, and on each of his daily interrogations by the police he was badly beaten. His cell, a dingy room of only 18 square meters, held no less than 19 prisoners. He explained that he was put on a regime known as the four dishes and one soup, with permission to wear a watch—prison jargon which, far from denoting any special privileges, actually meant that his only food was a broth made of four ingredients, and that he had to be kept shackled hand and foot.[26]

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[25] The Chinese Legal System: Reforms in the Balance, The China Quarterly, No. 119, September 1989, p.573.

Qincheng Prison, a maximum security facility on the outskirts of Beijing used mainly for the confinement of top political prisoners, is presently reported to contain several hundred student activists and intellectuals from last year's prodemocracy movement. According to the Washington Post: Chinese sources said that the prisoners in the secretive Qincheng Prison are under psychological pressures commonly applied to political prisoners. They are denied contact with their families and given political indoctrination courses aimed at getting them to confess to their errors. None of these prisoners is accused of engaging in violence. The authorities have apparently not brought formal charges against most of them. Sources say that many of those detained were beaten at the outset of their detention particularly during the initial interrogation period.[27]

Conditions at Qincheng are generally believed to be better than in most other prisons in China. On January 2, 1990, however, the Hong Kong newspaper Mina Bao published an article based on an interview with a Chinese graduate student, one of the Tiananmen Square hunger strikers, who had recently been released from Qincheng.

According to the student, the majority of those detained at Qincheng bear wounds and injuries inflicted as a result of severe beatings by prison guards, many have given false confessions under duress, and others have become mentally ill. Influenza, lung infections and other diseases were said to be spreading throughout the prison, and pitiful wailing sounds could be heard coming from many of thee cells. The student added that the interrogation of prisoners was being carried out by the prison guards themselves (this is in fact the norm in China), and that they were being forced to write fresh confessions every day. The student said that he himself had signed an officially prepared statement of confession after being unable to withstand the beatings inflicted upon him, and that he had then been charged with the crime of deceiving the public security organs and sentenced to 100 days further detention.

The majority of workers and ordinary urban residents detained since June 4 are believed to be held in local police cells, where torture and other ill-treatment is common, and in various types of so-called administrative detention centers. The latter are normally used for the confinement of people sentenced solely on police authority, without trial, to short-term periods of imprisonment; legal supervision by outside agencies such as the procuracy is reportedly non-existent in these centers.

Chinese press reports have also mentioned the recent use of shelter and investigation centers to confine prodemocracy detainees. The purpose of these centers is to hold, for indefinite, periods, suspects upon whom the police have gathered insufficient evidence of guilt to warrant the issuance of proper criminal charges. Conditions in them are said to be abominable. As one Chinese law journal complained in 1987, in a remarkably candid expose: At present, there is still no formal legislation concerning shelter and investigation work; nor does such work fall within the orbit of the legal supervisory organs of the state. The article added: Some shelter and investigation centers are extremely deficient in terms of health and sanitation conditions, so illness and disease frequently break out in them. Moreover: Those taken in for shelter and investigation often escape, commit suicide or behave violently. Most serious of all, however: Administrators and officials in charge of handling case-work in shelter and investigation centers subject the inmates to extensive corporal punishment and abuse, and inflict torture in order to obtain confessions. (Faxue [Law Studies], March 1987).

Torture is far from being a minor problem in China. During an exceptional period of judicial glasnost which began in 1985 and ended last year, the Chinese legal press openly published more than 100 reports exposing several hundred serious cases of torture that had recently been committed by public security and prison officials bent on forcing confessions from criminal suspects. In many of the reported cases, the victims had either died as a result of their ill-treatment or had been left crippled.

Moreover, it appeared from further official statements that the cases revealed were only the tip of the iceberg. According to an article published in the official China Law Daily on May 31, 1985: The problem is extremely serious in certain areas and units, indeed it has virtually become a chronic disease, giving the masses the false impression that if one merely enters a public security bureau one will inevitably be beaten. How has it ever been possible for the extracting of confessions through torture to become such a chronic disease?

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[26] See Shijie Radio, January 23, 1990.

[27] Washington Post, October 10, 1989.

The most common forms of torture used by police and other interrogating officials in China include vicious and prolonged beatings, often resulting in damage to the internal organs; applying ropes or handcuffs so tightly to prisoners' wrists that nerves are compressed and blood circulation is stopped, causing extreme pain and sometimes permanent loss of function; and, perhaps most widespread of all, applying electric batons (cattle prods) to various sensitive parts of the body, including the face.

On September 23, 1988, the Law Daily described a fairly typical case of torture that had recently taken place in Cangzhou, Hebei Province. Zhu Yongshun, a mentally retarded deaf mute, had been seized by police officers merely for innocently overhearing a conversation between them; the man's cousin, Sun Mingdi, then tried to intervene but he too was promptly seized. In the police station the next morning: Officer Zhou Linhua first of all tightened up the ropes binding Sun and Zhu, and then began giving the two of them hard karate chops to the back of their necks. The ropes cut deeply into their flesh, causing so much pain that the sweat was soon pouring off of them and their breathing came only in gasps. Officer Sun Xiliang then came across and lashed them both viciously across the ears, and, digging his fingers under the ropes, he placed his knees across their abdomens and forced his weight hard down on top of them. Sun Mingdi lost consciousness there and then.

That evening, the mentally retarded Zhu was sentenced to 10 days administrative detention by the police officers. As for Sun Mingdi: By 22:00, he was on the verge of death, and had to be taken to the county hospital for emergency treatment. The surgeons extracted 1200 ml. of blood from his abdominal cavity, together with 500 ml. of congealed blood clots, and they excised a 15 cm. length of Sun's small intestine, which had been irreparably damaged. To this day, Sun is still hospitalized.

Another typical case was recounted in Law Daily on August 17, 1988, involving a drunk man named Wang Hai'an, who had been detained by police in Zhengzhou, Henan Province on an entirely groundless accusation of trafficking in children. According to the report: Three officers began to interrogate Wang, who had not yet recovered from his state of drunkenness, and to beat and kick him. Officer Mao Yanxi kicked Wang down the stairs, causing him to fall flat on the floor, and he then jumped off a 40 cm. high step directly on to Wang's chest, thereby breaking eight of Wang's ribs. Next, the chief of the police station, Wang Bailing, and Officers Huang Zhihui and Huang Mingxing proceeded to subject Wang to a series of severe beatings. In addition, Officer Mao Yanxi and others struck Wang on the hands and face with their electric batons.

Wang was later released, but on his way home he was suddenly terrified by the sight of three of the policemen pursuing him on a motorbike. Somewhat improbably, the report then states: Wang thereupon fell into a shallow pool of water and died by drowning.

In addition to physical torture, various kinds of psychological torture are commonly used in Chinese prisons and detention centers especially for political prisoners. The most ubiquitous form involves endless study sessions in which prisoners are forced to internalize the value system and version of the facts presented to them by the authorities. On his recent release from prison, Gao Xin, one of the Tiananmen hunger strikers, told his fellow hunger striker Hou Dejian of the very bad treatment he had endured in prison. Gao was made to confess his mistakes and express the Communist Party's opinions about what the protests represented and what happened in June, Hou told Reuters.[28] Round-the-clock interrogations and denial of all rights to fresh air and exercise are other common forms of psychological torture found in China.

Perhaps the most serious of all, however, is the use of prolonged solitary confinement. Wei Jingsheng has been held in solitary since his conviction in 1979, and is thought to have developed schizophrenia as a result. Another leading figure from the Democracy Wall period, Xu Wenli, has also been held in solitary in Beijing number one prison ever since his sentence to 15 years imprisonment in 1982. After the smuggling out and publication abroad of his prison notes in 1985, Xu was for several years confined in a tiny, windowless cell to which the only access was through a trapdoor located in the ceiling. When a reporter from the South China Morning Post visited Beijing number one prison in September, 1989 she was told by the vice-warden, Song Wenbo, that Xu Wenli was still in solitary confinement. Solitude, declared Song, was beneficial to Xu's individual reform.[29]

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[28] Reuters, January 9, 1990.

[29] South China Morning Post, September 1, 1989.

Despite a prolonged campaign from 1985 onwards by the authorities to eradicate the use of torture in China, the Law Daily nonetheless noted on September 5, 1988 that there had been a constant increase in the incidence of physical torture and other types of rights violation over the past 2 years. And as Anthony Dicks recently observed, regarding the televised trials of counterrevolutionaries in China last summer: Scenes of prisoners being humiliated and manhandled as they were paraded before the courts for sentencing * * * were a reminder to the world of how flimsy are the legal safeguards against torture and physical abuse of prisoners in China.[30]

In view of the drastic deterioration in the general standard of human rights observance that has occurred in China since the government crackdown of June 1989, there is strong reason to believe that the incidence of serious torture in police custody is now higher than ever.

3. Suppression of the Workers Movement (The Polish Disease)

The prodemocracy movement of 1989 was initiated by the students, through their mass occupation of Tiananmen Square and through the week-long hunger strike they conducted there. But at its height, the movement commanded active support from virtually all sectors of society, and particularly from the workers. By the end of May, independent labor organizations had sprung up spontaneously in numerous other major cities in China, including Shanghai, Nanjing, Changsha, Xi'an, Hangzhou, Guizhou and Wuhan. This posed a formidable challenge to the Communist party authorities, whose legitimacy rests upon their claim to be the vanguard of the proletariat.

Not surprisingly therefore (although this has largely gone unnoticed in the West), it is the workers in China who have in fact borne the brunt of the recent and continuing repression. They form the great majority of those who have been detained, their conditions of detention (30 to a cell, according to UPI) [31] are much harsher than those of other groups, and they have been handed down exemplary prison sentences by the courts. They are also the ones most likely to be subjected to torture and other forms of gross ill-treatment during police interrogation. Significantly, all those known to have been executed since June were either workers or unemployed.

The unsung nature of the independent labor movement in China is well illustrated by the fate since last June of Han Dongfang, 26-year-old leader of the Beijing Autonomous Workers Federation. Han, a railway maintenance worker who deserves to be better known as China's Lech Walesa, has been held in secret incommunicado detention by the authorities in Beijing ever since late June, 1989. Although his name, like those of the main student leaders from Tiananmen Square, such as Wang Dan and Wu'erkaixi, topped the government's most wanted lists just after the massacre in Beijing, the authorities have never announced or made public the fact of Han's arrest. According to sources inside the public security service, Han Dongfang is now gravely ill. Unable to hold down any food, he has just been hospitalized for the sixth time and is currently on an intravenous drip.

The Beijing Autonomous Workers Federation (BWAF) was formed by Han Dongfang and a small number of other workers on May 19, the eve of the declaration of martial law. Apart from a small, short-lived workers group that was set up in Taiyuan, Shanxi Province in the winter of 1980, the BWAF is thought to have been the first truly independent labor organization in China since the founding of the People's Republic. Based in two small tents set up in the northwest corner of Tiananmen Square, the BWAF was a fledgling organization, but it appears to have enjoyed wide support from within key sections of the Beijing workforce. Through its small broadcasting station on the Square, the organization gave out nightly programs of news, commentary and political analysis, attracting enthusiastic audiences of several thousands, sometimes until dawn.

In its Provisional Outline, adopted in the Square on May 25, 1989, the BWAF made clear its intention to operate openly and in full conformity with the laws and constitution of the PRC. The main aims and principles of the BWAF were as follows: The Federation shall be an entirely independent and autonomous organization, built up by the workers on a voluntary basis and through democratic processes; it should not be subject to control by other organizations.

The founding principle of the Federation shall be to address the political and economic demands of the workers, and it should not serve merely as a welfare body.

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[30] Op cit, p 574.

[31] UPI, in South China Morning Post, November 5, 1989.

The Federation shall perform the role of monitoring the party of the proletariat—the Chinese Communist party. Within the bounds of the law and constitution, it shall strive to protect all legal rights of its members.

On June 2, 1989 the BWAF was declared by the authorities to be a counterrevolutionary organization. The federation's tents were to be the first target of attack by the massive PLA force which arrived at the Square in the early hours of June 4, and many of its members were hunted down and arrested in the weeks and months thereafter. The day before the massacre in Beijing, Han Dongfang said: We fully expect the authorities to take action against us. We've taken certain precautions. But if they use violence against us, well, we are unarmed and we will not resort to the use of violence against them. We are prepared to go to prison, and we are not afraid to die. I only hope that the international community will rally to our defense if the government does try to suppress us.

The reason for the unaccustomed discretion shown by the authorities, in their failure publicly to reveal the fact of Han's arrest, is plain enough. For China's leaders are above all concerned to prevent the emergence of what they refer to as the Polish disease; namely, organized industrial unrest. Just after the declaration of martial law on Hay 20, Han Dongfang's BWAF proposed a general strike in support of the students in the Square. Had it transpired, Deng Xiaoping and his colleagues might now be collecting their retirement pensions, or worse.

4. *Defects of the Criminal Justice System*

Perhaps the most important human rights concern in China today is the question of what is going to happen to all the thousands of people currently being held in police detention. Since most of them will probably be brought to trial eventually, it is worth examining in some detail the nature of the judicial system through which they must pass. Without doubt, China's criminal justice system is among the most deeply flawed in the world; indeed, it is essentially pre-modern.

First, there is no such thing as the presumption of innocence in China. The Chinese legal system, going against both the spirit and the letter of the Universal Declaration of Human Rights, explicitly rejects the principle that a detained person should be presumed innocent until proven guilty. In its place, judicial officials are blandly instructed merely to take facts as the basis and use law as the yardstick when handling criminal suspects. The argument given is that to presume people's innocence would be to prejudge the issue, and would mean that China's police would never be justified in arresting anyone at all.

Thus, although China claims not to presume guilt, the first thing detainees see when they enter police cells is a large sign on the wall saying, lenience to those who confess, severity to those who resist.[32] Penitence is essential, and any attempt to argue innocence is generally taken as evidence of a bad attitude and as further proof of guilt. This stress on the importance of the prison confession accounts, in turn, for the authorities frequent recourse to the baleful rituals of torture. Releases or acquittals are rare, for they imply that the judicial officers concerned have made some mistake, and this brings loss of face.

Second, the system of legal defense is woefully inadequate. Criminal detainees are expressly denied access to a lawyer throughout the period of pre-trial custody and interrogation, and may only seek legal counsel once the indictment has been issued and the case is ready to go to court, which is usually no more than 2 to 3 days before the start of trial. This more or less ensures that the lawyer has insufficient time in which to gather evidence and prepare a proper case. It also means that throughout the crucial period of the police interrogation, detainees have no one at hand to advise them of their rights or to ensure that they are not ill-treated, beaten or tortured.

In addition, lawyers are subjected to blatant political control and interference in the execution of their duties. According to an article in Faxue (Law Studies) magazine in February 1988: Some local justice departments have a regulation that if a lawyer wants to present a defense of not guilty in a criminal case, then he must first of all obtain permission from the Party organization of the justice department concerned.

Evidently, the political authorities in China are even able to prevent defendants from trying to plead innocent.

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[32] The guidelines set by Ren Jianxin, President of the Supreme People's Court, for handling the trials of prodemocracy demonstrators forcefully reiterated this time-honored principle of Chinese law: In the course of adjudication, we must combine punishment with leniency. We must deal with those who confess their crimes with leniency and inflict severe punishment on those who refuse to do so. (Beijing Television, July 15, 1989; in FBIS, July 17, 1989)

Fourth, not only is there no independence of the judiciary in China (since judges are answerable to Party-dominated adjudication committees and politics and law committees), but the verdicts themselves are usually decided upon before the trial even begins. In fact, this unique system of justice known in China (as in the topsy-turvy world of Alice in Wonderland) as verdict first, trial second, is openly acknowledged to be the norm. As the Shanghai magazine Minzhu Yu Fazhi (Democracy and Law) explained in July 1988: Our current trial practice in all cases, regardless of whether they are major or minor, criminal, civil, economic or administrative ones, is that the adjudicative committee must first give its opinion on what the appropriate ruling should be, and this is then implemented [in court] by the panel of judges.

Continued the article: Verdict first, trial second, is tantamount to walking along a road on the top of one's head: it violates the law of proper procedure. Brilliant luminaries, who have not carried out any investigations or even read the case dossier, but have instead merely listened to an oral report on the case, are allowed to make the ruling in advance [of the trial]. Even if they reach an erroneous verdict, the panel of judges must submit to it completely and unconditionally; there is no room allowed for debate or disagreement.

And finally: The practice of verdict first, trial second, can easily give rise to serious miscarriages of justice. It gives the green light to those who seek to put their own word before the law. It deprives the parties of their right of appeal. It reduces the whole series of legally-established procedures and principles to the level of an empty formality. All such things as public trial, the judges panel, people's assessors, legal defense and withdrawal are stripped of all practical meaning and significance.

The prevalence of such practices demonstrates the full and bitter irony of the Chinese authorities claim to be pursuing the current crackdown against dissent strictly in accordance with the rule of law. For in reality, the rule of law in China today is a one-edged sword which can only cut downwards. The criminal justice system has always operated at the whim of the political authorities, but since last June it has been used as a direct instrument of wholesale political repression. So far as the many thousands of imprisoned Chinese supporters of democracy now awaiting trial are concerned, there is simply no rule of law in China worth mentioning, and no justice can be expected.

5. Supression of Freedom of Expression

The Monument to the People's Heroes is surrounded with chains, and tourists are not allowed to set foot on the steps. On the four sides of the monument stand wooden notices about one square meter in size, on which are inscribed the regulations to be observed in paying respects to the monument. One of the regulations forbids any painting, drawing, inscribing, posting, hanging, and placing of any slogans, big- or small-character posters, or any other propaganda materials in any form. Anybody who wishes to lay wreaths at the monument must seek approval from the duty personnel, and the wreaths must be laid at designated spots.[33]

The enchainment of the monument in the centre of Tiananmen Square, where the students made their last stand in the early hours of June 4, 1989 aptly symbolizes the state of freedom of expression in China as a whole as the country enters the new decade. The domestic press, which had shown signs of supporting the prodemocracy cause last spring was comprehensively muzzled at the outset of the crackdown, and it still remains so; fresh restrictions upon foreign journalists, deftly replacing those imposed under Martial Law Order No. 3, have just been issued by the authorities; stringent censorship regulations are being passed in various cities, simultaneously banning antisocialist writings ,and obscene literature; and a nationwide purge of publishing houses is fast getting under way. Regulations restricting the formation of social organizations have been rushed into force, and (showing a previously unsuspected sense of humor) the authorities have even chosen recently to promulgate China's first-ever law on freedom of assembly and demonstration.

The continued maintenance by the Chinese authorities of their false version of what actually happened last May and June has required strenuous efforts in the realm of press control. Jiang Zemin, the Party's general secretary, last November summed up the regime's main charge against the news media as follows: We must be soberly aware that the ideological trend of bourgeois liberalization has run unchecked in the past few years and led to the turmoil and counterrevolutionary rebellion at the turn of spring and summer this year. This has exposed many problems, some very serious, in media circles. Instead of exposing and criticizing bourgeois liberalization and stopping the turmoil, certain media units provided a forum for the instigators and supporters of the turmoil and rebellion, thus stirring up the turmoil and adding fuel to the flame of the rebellion. This has caused great ideological confusion bong the masses.

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[33] In FBIS, January 12, 1990.

In a generous mood, Jiang then went on to spell out—though quite unintentionally—the true meaning and content of the Party's concept of press freedom in China: Certainly, requiring propaganda and mass media to maintain political unity with the Party Central Committee propaganda does not mean mechanical parroting of political slogans. Rather, it requires them to keep to the stand of the Party and people and, by way of diverse forms, to accurately and vividly reflect and instill the Party's political standpoint, principles and policies into news stories, newsletters, commentaries, photos, headlines and layout.[34]

After the June 4 crackdown, propaganda officers of the PLA took over control of all the main newspapers in Beijing, and editorial departments were thoroughly overhauled. Qin Benli, chief editor of Shijie Jingii Daobao (World Economic Herald), the outspokenly proreform Shanghai newspaper, had been sacked even before the crackdown, and his Beijing deputy editor, Ruan Jianyun, was arrested last October. Yu Haocheng, former director of the Masses Publishing House (the organ of the public security authorities) and a leading advocate of legal reform, was arrested sometime last summer; and Dai Qing, China's most famous woman journalist, has been in prison since last July. Eleven other journalists or editors are known to have been arrested, but the true figure is probably much higher.

Manyeditors in China have been making strenuous efforts to shield and protect their journalists from the authorities continuing purge of unreliable media elements. Latest reports indicate, however, that a high level decision has now been made to remove these editors themselves, so that the purge may proceed more smoothly. On January 13, 1990 Reuters reported the recent sacking of Guan Zhihao, director of Law Daily (and prime architect of the post-1985 period of judicial glasnost referred to earlier), and also that of Xie Yongwang, liberal-minded editor of the Shanghai journal Literature and Arts. According to Reuters, the two have been sacked for seeking to protect their journalists from government retribution and for publishing articles last summer supportive of the students demands.

On January 20, the Hong Kong newspaper Mina Bao reported that the CPC Propaganda Department had issued an order sometime after New Year calling for a renewed and intensified purge of the news media, so that editors who had failed to fall into line after June 4 could be replaced and the cleaning out of journalistic ranks could begin properly. Mu Qing, director of the New China News Aqency, and Zhou Bingde, deputy director of Voice of China and the niece of Premier Zhou Enlai, head the list of senior press officials about to be sacked, according to the report.

Next in line for official cleansing is the publishing world as a whole. On December 6, 1989, the New China News Agency reported that the Press and Publications Administration of China had decided to abolish or suspend the licenses of 10 percent of all existing publishing houses: Newspaper and magazine offices which publish pornographic stories or articles which run counter to the Party's line will be deprived of their licenses. On January 11, 1990, the agency revealed that the Press and Publication Administration had issued a circular requiring all publishing houses to register anew between January 15 and the end of the month. The circular points out that in recent years publications with serious political errors and obscene and violent content have appeared despite repeated prohibitions.[35]

The precise meaning of the terms antisocialist and reactionary, as applied to writing and literature in China, have been formally codified by the authorities in recent weeks.

According to article 4 of the Temnorary Provisions of the Shanahai Municipality on the Banning of Harmful Publications, enacted on November 26, 1989: Reactionary publications refer to those opposing the people's democratic dictatorship and the socialist system, and include publications containing one of the following contents:

1. Opposing the Communist Party of China and its leadership.
2. Attacking the People's Republic of China and opposing taking the socialist road.
3. Attacking and vilifying the people's democratic dictatorship.
4. Denying the guiding position of Marxism-Leninism and Mao Zedong Thought.
5. Seriously distorting historical facts, advocating division of the state and people, and vilifying the Chinese people.[36]

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[34] Jiang Zemin gives speech on mass media work, New China New Agency, November 29, 1989; in FBIS. December 7.

[35] New China News Agency, in FBIS, January 11, 1990.

[36] Jiefang Radio, December 5, 1989; in FBIS, January 10, 1990.

The penalties for infringing these regulations range from a maximum fine of 30,000 yuan to criminal prosecution and unspecified terms of imprisonment.

Finally, on December 22, 1989 senior legislators meeting in Beijing to discuss a new draft law on authors rights stated that henceforth any antisocialist and anticommunist works should be banned in China. According to the New China News Agency: The basic principle of antibourgeois liberalization should be spelled out in the draft * * * and the rights of authors who produce antisocialist and anticommunist works should never be protected.[37]

The vitriolic outpourings of criticism against the Western media, and especially that of the U.S., continue as before for domestic audiences, although they are now less prominent in the externally-directed media. In a sustained diatribe against the evils of Western-style news authenticity, for example, an article of last December declared: The Voice of America, which has always claimed to be objective and just has been condemned by the people of the world and regarded as a rumormongerer. The news authenticity which the bourgeoisie has bragged about has been seen through by more and more people.

To drive home its main thesis—the essential duplicity of the Western press—the article cited (inappropriately enough) the Watergate Affair: For example, the world shaking Watergate Scandal revealed by the Washington Post and other newspapers and journals was a farce which reflected the open strife and veiled struggle between the financial groups in the eastern and western parts of the United States.[38]

In light of this essentially conspiratorial view of the foreign press, it is perhaps small wonder that only 9 days after the lifting of martial law in Beijing the authorities should have seen fit to impose a fresh set of regulations on the news-reporting activities of foreign journalists, to replace those imposed as part of the post-June 4, 1989 clampdown. The new regulations ban all articles by foreigners that in the authorities view distort facts or violate the public interest, and journalists may be expelled if faulted on these counts. As was the case under the martial law rules, foreign journalists are prohibited from conducting interviews with any work unit unless prior approval has been obtained from the authorities, and they may not deviate from the agreed program.[39] As one Western diplomat commented, regarding the new press regulations for foreigners: If they feel like it, they can get you on whatever they want. Noted another: In real terms, nothing has changed.[40]

In addition, restrictions on access by Chinese people to foreign television broadcasts have also been imposed recently. According to the Hong Kong Standard, a municipal directive was issued by the authorities in Canton on January 1, 1990 banning the installation in the city of aerials capable of receiving television signals from outside of China. This ends a 10-year period during which the residents of Canton have been able to watch Hong Kong television programs freely. As a local cadre commented in the report: The authorities obviously want to stop people from being influenced by overseas reports on important issues, including the dramatic upheavals in Eastern Europe.[41]

News censorship has been heavily evident in China throughout the recent events in Eastern Europe. Mandarin-language broadcasts of both the Voice of America and the British Broadcasting Corporation have been jammed by the authorities, and China's own press coverage of the major political turnarounds in the Eastern Bloc has been tightly controlled. Radical political change and moves toward democracy in the Eastern Bloc countries have been presented as being mainly the result of elite leadership decisions, rather than public pressure, and as constituting steps to perfect socialism and ensure stability and unity.[42] More generally, the upheavals in Eastern Europe have been presented by the Chinese authorities as merely proving their claim that the West is applying a capitalist strategy of peaceful evolution against the socialist world.[43]

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[37] New China News Agency, December 22, 1989; in FBIS, December 27.

[38] FBIS, December 19, 1989.

[39] There are even signs that the English language itself is now considered to be subversive. Beijing's highly popular English Corner, where Chinese of all ages used to come to practice their conversation, was just recently closed down by the authorities. According to the New York Times of December 19, 1989: In mid-November, the area was cordoned off and notices went up, saying, English Corner has been withdrawn. The university teachers, the notices said, no longer had the time.

[40] Reuters, January 20, 1990; New York Times, January 21; and Shijie Radio, January 22.

[41] Hong Kong Standard, January 6, 1990.

[42] New York Times, December 24, 1989.

[43] New York Times, December 22, 1989. The charge that the West is trying to make China peacefully evolve into a bourgeois republic was first made by Deng Xiaoping, directly after the

Continued

As mentioned above, a series of laws and regulations governing Chinese citizens' rights of assembly, demonstration and association have been enacted in recent months and weeks. The net effect of these is to restrict still further the almost negligible prospects for free assembly, demonstration and association in China, by formalizing the role and prerogatives of the state authorities in the regulation of these various types of civil activity. In the case of the Regulations on the Registration of Social Organizations, issued by the State Council in October, 1989, for example, it is clear that a primary purpose of the document is to render unlawful any future formation of the kinds of student and worker organizations which sprang up all around the country last May and June. Commenting in November on the issuance of the new regulations, Fan Baojun, the Vice-Minister of Civil Affairs, in effect compared these prodemocracy organizations to the Chinese Triads: There are an estimated 100,000 local community groups in the country. But there are some problems with these * * * Moreover, some secret societies or underworld gangs that existed before 1949 have been revived in some backward and coastal areas. Some illegal organizations have already caused severe damage to the State and the Party, such as the Autonomous Student Union of Beijing Universities, which stirred counterrevolutionary rebellion in Beijing last spring.[44]

The Law of the PRC on Assemblies, Parades and Demonstrations, adopted on October 31, 1989, is also clearly aimed at preventing the reemergence of any sign or inkling of the kinds of mass public activity seen last summer in Beijing. Among other things, the law prohibits citizens from starting or organizing assemblies, parades or demonstrations in cities where they are not residents, nor shall they participate in activities held by the local people; and it forbids foreigners from taking part in all such activities without prior permission from the authorities. The police are granted sweeping powers to determine all aspects of any assemblies and demonstrations. In addition, the law pointedly bans all unauthorized parades and demonstrations within a 300-meter radius of a series of government institutions in central Beijing, the effect of which is to make it unlawful for any future protest demonstrations to be held in Tiananmen Square. Penalties of up to five years imprisonment are laid down for those who violate the law.[45] On January 9, the Shanghai municipal authorities adopted a set of regulations for the law's specific enforcement, and the Beijing authorities did likewise on January 12, the day after martial law was lifted.[46]

One would think that such comprehensively restrictive measures, when viewed in the light of the current repression as a whole, would surely suffice to deter most potential counterrevolutionaries from even trying to demonstrate openly. Astonishingly, however, it seems that Chinese workers and students have in fact been flocking to the authorities in the hundreds of thousands in recent months, in order to test the value of the new laws' promises regarding freedom of association and the right to demonstrate.

According to the New York Times of January 8, 1990 for example: Party sources said groups representing thousands of workers across the country who have been suffering under the government's economic austerity program, which has reduced inflation but brought the country to the brink of recession, have sought permission to air their grievances.

Moreover: The South China Morning Post * * * reported last week that workers in more than 30 Chinese cities had applied to carry out legal demonstrations involving a total of more than 500,000 workers. Party sources could not confirm the figure of 500,000, but said worker discontent was widespread and involved most of the country's provinces.

Clearly, the Polish disease has already gone well past the merely incubatory stage in China today. The response of the Chinese authorities to these polite requests for the observance of their rights by workers was, however, predictably churlish: According to the sources, the leadership issued an order to security forces that they use whatever force is necessary to crush any demonstrations staged by workers.

June 4 massacre. As the People's Daily explained on December 1, 1989: The international reactionary forces * * * will work in coordination with the turmoil created in socialist countries in an attempt to force them to make concessions to them so that socialist countries may peacefully evolve into capitalist countries, thus turning those socialist countries into their vassal states. Imperialists have openly declared that their principle is to implement political pluralism and market economy in socialist countries; in other words, they want to implement the bourgeois multiparty system and rotatory term of office, while driving the Communist Party out of office and eventually restoring capitalism.

[44] China Daily, November 1, 1989; in FBIS, same day.

[45] Text of the law is in FBIS, November 1, 1989.

[46] FBIS, January 10, 1989; Shijie Radio, January 13.

The full shock-waves of the recent events in Eastern Europe are, of course, still to come.

6. Harassment of Chinese Students in the U.S.

Frankly speaking, the United States was involved too deeply in the turmoil and counterrevolutionary rebellion that occurred in Beijing not long ago.[47]

For the more than 40,000 Chinese students now living and studying in the U.S., the past seven months or so have been a time of deep anxiety and insecurity. Although insulated for the present from the full traumatic impact of China's continuing campaign against the twisted proponents of bourgeois liberalism and the cringing residues of last year's counterrevolutionary rebellion many of them know that they are but a plane ticket away from an unenviable vulnerable position at the front line. Over the past decade, the Chinese leadership has waged a protracted struggle to try to stem the rising tide of so-called spiritual pollution from the West, culminating in the recent all-out war in China against bourgeois liberalism, its political twin. These two phenomena—the Tweedledum and Tweedledem of Dengist demonology—are viewed by the present Chinese leadership as being essentially American in origin. For this reason, Chinese who come here to study must be carefully monitored, lest they transport the 'problem pair' back to China with them on their return.

Several of the ways in which this monitoring of Chinese students has been carried out by the authorities since June 4, 1989, however, amount under U.S. law to serious harassment and restriction of the right to free expression. In the immediate aftermath of the crackdown, Chinese Embassy staff were widely reported to have been videotaping students who took part in protest demonstrations and issuing them with veiled threats by telephone concerning the safety of their relatives back home.[48]

In late September, 1989 more such reports were heard as Chinese students prepared to carry out nationwide protest demonstrations on October 1, China's national day. According to the New York Times, They [Chinese Embassy officials] have been calling students nationwide and threatening them * * * Chinese students [have] been told that their passports might not be extended and that their relatives back home might suffer if the students expressed support for China's democracy movement. Jack Brooks, chairman of the House Judiciary Committee, added that the Chinese Government was keeping blacklists of prodemocracy students here in America. And according to a report prepared in September by the recently-formed Independent Federation of Chinese Students and Scholars: The Chinese Embassy and its consulates around the country have dramatically stepped up their efforts to intimidate Chinese students.[49]

The Chinese authorities have been particularly concerned at the formation overseas in recent months by Chinese nationals of a number of quite large and well-organized opposition groups, in particular the Paris-based Federation for a Democratic China, which has offices in several cities in the United States. Recent press reports assert that the Chinese authorities have begun dispatching teams of security agents to monitor the activities of these overseas groups and to ascertain their Chinese student memberships.[50]

A common reprisal reportedly being taken by Chinese consular officals against students who participated in last year's protest demonstrations in the United States, or who for example resigned their Party memberships in protest at the crackdown, is to refuse to extend their passports upon expiration. According to the Independent Federation of Chinese Students and Scholars, more than 100 and possibly as many as 400 or 500 such cases have occurred recently.[51]

The complaint most widely voiced by Chinese students in the United States, however, is that their mail is being routinely interfered with by the authorities in China. According to the results of a survey carried out recently by Congressman Benjamin A. Gilman, (Benjamin A. Gilman, Report of November 9, 1989) more than 92 percent of Chinese student respondents said that their mail either to or from China had been intercepted, delayed or tampered with in some way by the Chinese authorities. In certain cases, this harassment had been extended to their families in

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[47] Washington Post, November 1, 1989.

[48] Washington Post, June 14, 1989; Hong Kong Standard, June 14, 1989.

[49] New York Times, September 27, 1989.

[50] See for example Shijie Radio, January 19, 1990; and Taipei CNA, December 15,1989, in FBIS December 19.

[51] Shijie Radio, November 30, 1989.

China as well, in the form of visits and threats from public security officials regarding the content of letters they had received.

Asia Watch recently received the following account written by a Chinese student in the United States. We reproduce it here in full, for it vividly conveys both the nature of the abuse and the sense of outrage felt—and also the taste of a victory won which, though small, seems somehow to catch the essence of the present struggle for human rights in China.

June 8, 1989. I sent a letter to my mother and brothers, which had contents about the June 4 massacre. My family received it at the end of June. My family is in Xi'an township, Taoyuan County, Hunan Province.

July 13. In the morning, two public security agents went into my village to investigate. In the afternoon, my third brother(who had highest education in my village except me: elementary school graduate) was ordered to go to the township government to submit my letter. My brother refused. Four officials interrogated him from afternoon to the night. At about 1:30 a.m. after midnight, my brother gave in.

October 6. I knew part of the facts. I wrote a letter to the Hunan Public Security Bureau and the PRC Embassy in Washington. I asked the government to return my letter and apologize to my family, because they violated Article 40 of the PRC Constitution, rich protect the freedom and privacy of citizens' correspondence. I also cited words from Chinese government, which repeatedly promised that overseas Chinese students will not be punished for their participation in democracy movement. I said I will publish this story two months later if they do not respond. A copy of this letter was sent to the PRC Consulate in Chicago.

I received a letter from the Chicago Consulate. They said they knew nothing about this case before receiving my letter. They had written to the Hunan Public Security Bureau and the Embassy in Washington and asked the government to deal with this case seriously.

November 16. I knew more facts and wrote to the government in my township. A copy of this letter was sent to Hunan Public Security Bureau, PRC Embassy, and Chicago Consulate.

I received a message. The government has not yet returned my letter but instead on November 16 investigated my brothers and sisters and my previous letters to them. The officials asked my brother to transfer a message to me: Do not make a hard time to the government.

If the government do not return my letter to my family, I will publish the story in news media in a few months. The title will be: In Mainland China, son does not have freedom to write to his mother. In order for China to have democracy, we need to fight within the system. If more Chinese fight for their rights, China has hope. Protecting individuals' rights could be more important than protesting or demonstrating in some instances. From November I only need two weeks to receive letter from my family, which is in a remote mountain area (before it took four weeks).

7. Tibet; Abuses Unchecked

Arrests, trials and torture continue as before in Tibet. Martial law, imposed in March 1989, may well have been the model for what took place in Beijing just three months later. The use of excessive force on June 4 to suppress non-violent demonstrators based in Tiananmen Square has even been seen by some observers as the Tibetanization of Beijing. The human rights abuses as before and after demonstrations there in March were a virtual laboratory for what came later to students, workers, intellectuals and ordinary citizens in the Chinese capital. In fact, had there been sufficient international attention and protests against the shooting, detention and torture of peaceful demonstrators as between September 1987 and March 1989, the outcome of events in Beijing might have been different. Asia Watch is currently compiling a report, to be published separately, that will provide data on recent abuses in Tibet. Here are a few of the matters that will be covered.

Six nuns, who demonstrated for Tibetan independence on Barkhor Street in Lhasa in October 1989 in front of martial law troops were seized with the swiftness of a thunderbolt by the Lhasa Public Security Bureau, according to a November 8, 1989 report in The Guardian (London). Nine others were detained after having interrupted a performance of a Tibetan opera in Norbulinka Park in Lhasa on September 2. Four Tibetan monks were sent without trial to labor camps for three years in early November for shouting reactionary slogans during a demonstration near Jokhang Temple, Tibet's holiest shrine, on October 25. Eleven other Tibetans, including ten monks, were sentenced at a mass rally on November 30 for the nonviolent crimes of advocating Tibetan independence and printing reactionary leaflets. These cases are only a handful of some 50 cases of arrests or trials reported from Tibet since September, and Asia Watch believes they are a fraction of the total.

Tibet may also have become a laboratory of torture techniques for the Chinese security forces. One of the men sentenced on November 30, Dhundup Dorje, 43, a driver at the Shoe and Hat Factory, is believed to have been regularly beaten, resulting in partial deafness, and to have been chained hand and foot for 3 months in a cell he shared with 20 others. Nuns in custody appear to face a wide range of sexual abuses including rape and use of electric prods in the vagina. One horrific report dated March 2, 1989 and published in The Guardian (November 8, 1989) of a prisoner arrested after a 1-hour demonstration in Lhasa in April 1988 says in part: Another two or three men touched my body all over with about 11 burning cigarettes, continuously for 2 hours. The Chinese used their belts so much that the metal buckle came off. They broke a chair over me. Then they had to stop for a rest because they were so tired. After that dogs bit me on the feet. Blood came out and my clothes were all ripped' * *

The account conforms to other accounts documented most recently in a November 1989 report by Physicians for Human Rights entitled The Suppression of a People: Accounts of Torture and Imprisonment in Tibet.

The tactic which emerged in Beijing and other cities following the June 4 crackdown of encouraging, persuading or forcing people to inform on one another was already in effect in Tibet even before martial law was declared in Lhasa. In many cases, the torture seems to have been inflicted as a way of getting more names of protestors from those in custody.

8. The Bush administration's response

The Bush administration's policy toward China has been one of maintaining relations at any cost and explicitly sacrificing human rights in the process. The near silence of the Reagan administration on human rights violations in China juxtaposed with its stridency on the Soviet Union showed a clear double standard. The Bush administration, however, has shown outright hypocrisy by coupling its public expressions of concern with behind-the-scenes efforts to patch things up with those responsible for the slaughter and arrests following the June 4 crackdown. The symbolism of a top-level U.S. delegation meeting in secret on the fourth of July with the Chinese leadership who crushed the democracy movement, and again on International Human Rights Day, December 10, will stand as the hallmark of the Bush administration's human rights policy this year.

The Bush administration's willingness to ignore human rights and let the Chinese government set the terms of United States-China relations became evident in February when President Bush visited Beijing. On February 26, he hosted a barbecue to which the American ambassador, Winston Lord, had invited Professor Fang Lizhi, China's most outspoken dissident and human rights activist. Embassy officials told the press that the invitation was meant to signal concern about human rights.

But that concern was not shared by the White House which made it known before the event that the President would probably not meet with Professor Pang. In any case, there was no opportunity: uniformed Chinese police physically prevented Fang from attending the dinner.

In final meetings with Chinese leaders before his departure, the President expressed only regret over the incident. The White House then went out of its way to say that the invitation to Fang had not been the President's idea and blamed the U.S. embassy for the fiasco. The message could not have been clearer: President Bush was more concerned with soothing the sensibilities of the Chinese authorities than with defending human rights.

Quite apart from his studied avoidance of China's most famous advocate of basic freedoms, the President also ignored talking points on human rights prepared for him by his staff for use at the dinner. Throughout January and February, intellectuals in China, inspired by Professor Fang, had sent petitions to Deng Xiaoping and the National People's Congress urging that political prisoners such as Wei Jingsheng, imprisoned since 1979 for writing an article urging that China's modernization program include democracy, be amnestied. Their hopes that the U.S. President would give a boost to their efforts were dashed.

In March, martial law was declared in Tibet following a demonstration on March 5-7 in which Chinese troops followed Politburo member Qiao Shi's exhortation to be merciless. Dozens were killed, more than 300 arrested. The State Department made a public statement deploring the violence and excessive use of force against demonstrators, but it did not mention China by name and did not express its views directly to the Chinese leadership—undoubtedly to avoid offense.

From mid-April onward as student demonstrations in Beijing and elsewhere gathered strength, avoiding offense appeared to become a guiding principle of the h administration. The President and Secretary of State studiously avoided any comment on the growing democracy movement, and at no time did they publicly suggest that there would be serious repercussions if the authorities responded violently. Lower level officials were only marginally more forthcoming.

The administration refrained from public comment when martial law was declared on May 20. Administration sources have said President Bush made private demarches to Deng Xiaoping, urging him not to use force against the students, but it is not clear how forcefully that message was conveyed.

After the tanks rolled in to Tiananmen Square, the administration wasted precious hours watching and waiting before condemning the random massacre of civilians. Secretary Baker, appearing on Cable News Network just after massive violations had been extensively reported, said that, it would appear that there may be some violence being used here on both sides. He declined to discuss whether the Bush administration would consider sanctions against the Chinese, stating that before we get into hypothetical situations, let's see how this most recent and extremely deplorable development unfolds. It was already abundantly clear what would unfold, and Baker's refusal to hypothesize was a refusal to condemn human rights violations.

On June 6, after considerable prodding by the Congress, the administration reluctantly imposed limited sanctions on China, including a suspension of sales of military items, suspension of visits between United States and Chinese military leaders, and a sympathetic review of requests of Chinese students for asylum. But it was clear even as he announced the sanctions, that President Bush was unenthusiastic about applying economic pressure on China.[52] At a news conference, the President stated that I don't want to hurt the Chinese people. I happen to believe that commercial contacts have led, in essence, to this quest for more freedom. The President went on to state that I think that it's important to keep saying to those elements in the Chinese military, 'Restraint. Continue to show the restraint that many of you have shown.[53] The ferocity of the army's action against the demonstrators and the subsequent round-up of democracy movement participants can hardly be called restraint.

Not content with the Bush administration's tepid response, the U.S. Congress responded almost immediately to the crackdown.

Within days, dozens of sanctions bills had been introduced by both Republicans and Democrats in the Congress. On June 20, the House Banking Subcommittee on International Development Institutions and Finance held a hearing to discuss the United States position on loans to China in the multilateral development banks.[54] The administration refused to send a witness to the hearing, but faced with the near certainty of the Congress taking legislative action to force it to vote against China, it announced later that day that it would seek to postpone new multilateral development bank loans to China. It also suspended participation in all high-level exchanges of Government officials with the People's Republic of China.[55]

The sanctions announced by President Bush on June 6 and the subsequent decision to oppose loans to China in the banks was as far as the administration was willing to go, despite calls in Congress for more extensive measures, such as a suspension of China's most favored nation trade status and an end to high technology exports. Though the President promised to review other aspects of the United States-China relationship, there appears to have been no consideration of additional sanctions, notwithstanding the country's deteriorating human rights situation. Moreover, at no time did the administration state clearly what the United States expected from the Chinese if sanctions were to be lifted. Worse, the administration began undercutting the few sanctions it did impose almost immediately.

On July 9, the administration announced its decision to sell three Boeing jetliners to China, valued at $150 million. (A fourth aircraft was delivered in August.) The delivery had been halted, along with all other military sales, in June. The items are considered dual-use because their navigational equipment can be used for military purposes. The change in policy was justified by White House Chief of Staff John Sununu, who stated that There was some indication a few days ago by the leaders in China that they were going to try to extend the hand [of conciliation] back to the students. That was a constructive step.[56] No such constructive step took place; in fact, the repression got worse.

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[52] The President's fears about hurting people was rather disingenous—no such concern was expressed when the United States imposed sanctions against Nicaragua, Cuba, or Vietnam.

[53] The Washington Post, June 6, 1989.

[54] By law (section 701 of the International Financial Institutions Act) the United States representatives to the multilateral development banks are required to vote against loans to governments engaged in a pattern of gross violations of internationally recognized human rights.

[55] The New York Times, January 19, 1989.

In October, the ban on military sales was further weakened when the 42 Chinese military officers assigned to work on Project Peace Pearl, a $500 million program to upgrade Chinese fighter aircraft, were permitted to resume their work. The officials had been taken off the project at the time of the President's announced sanctions. On December 20, President Bush waived a Congressional ban on the export of three communications satellites to China.[57] Secretary Baker justified the sale—which should have been prohibited under the President's own sanctions package—as being in the United States national interest.

According to press reports, the only arms deal with China which now remains on hold is the shipment of an $8.2 million contract for submarine torpedoes and torpedo launchers.[58]

The administration also undermined other aspects of the sanctions package. Immediately following the events of June 3-4, the Export-Import Bank (a U.S. corporation which provides loans to U.S. businesses seeking to invest overseas) quietly stopped processing Chinese loan applications. The State Department held up the applications for two weeks, then began processing loan applications as if nothing had happened.

The Bush administration attempted to export its own tepid response to China to its Asian allies. On July 6, Secretary Baker met with foreign ministers of the Association of Southeast Asian Nations (ASEAN) and urged them not to adopt additional sanctions against China. When meeting with the Japanese Prime Minister, Baker apparently warned Japan not to isolate China. This effort to lobby other countries against forceful measures to protest the killings and arrests sent another signal to the Chinese that the United States was not concerned about human rights.

And despite the alleged ban on meetings between Chinese and United States officials, Secretary Baker met with the Chinese Minister in July during an international conference on Cambodia. In October—to the delight of the Chinese leadership—the U.S. Ambassador to China, James Lilley, attended a major aeronautics show in Beijing in which a large number of military aircraft were displayed; representatives of the Western European countries were conspicuously absent. And in September, representatives from the U.S. Trade Representative's office held meetings with Chinese officials to discuss China's entrance into the General Agreement on Tariffs and Trade (GATT)—a move ardently sought by the Chinese government. Although in conversations with Human Rights Watch, USTR officials stated that they conveyed their opposition to China's admittance to the GATT in conversations with the visiting officials, they also admitted that as a result of the widely publicized meeting, Chinese entrance was brought a step closer.

By October, administration officials were quietly testing Congressional waters about the feasibility of resuming support for China in the multilateral development banks. House and Senate leaders, however, made clear their opposition to such a move.

The speed with which the Bush administration dismantled its own sanctions policy caught Congress off guard. Despite a flurry of Congressional activity on China sanctions, legislation was not completely enacted before Congress adjourned in November for the year. Sanctions against China (including a ban on arms sales, United States satellite exports and police equipment, an end to nuclear cooperation, a ban on further liberalization of export controls, and a suspension of investment insurance by the U.S. Overseas Private Investment Corporation) were actually passed by the House and Senate, and a conference report was drafted and adopted by the House of Representatives—over strong administration protests.[59] Unfortunately, due to a legislative technicality, the Senate failed to approve the conference report, and the bill languished.

Symbolically, the most important action by the Bush administration of the year was its decision to send a high-level delegation, including National Security Advisor Brent Scowcroft and Deputy Secretary of State Lawrence Eagleburger to China on December 9. (Ironically, President Reagan had sent Eagleburger to Poland in July 1983 under similar circumstances but with a very different message: that the United States would lift some sanctions imposed after martial law only if Poland released all its political prisoners.)

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[56] The New York Times, July 10, 1989.

[57] The ban had been imposed at the initiative of Senator Albert Gore (D-TN).

[58] The New York Times, December 12, 1989.

[59] Thanks to extensive lobbying-led by Brent Scowcroft—the bill was weakened to allow a presidential waiver of the sanctions on national interest grounds.

Anticipating the outrage which greeted the news of the Scowcroft-Eagleburger mission, the administration's decision was made in absolute secrecy. Congress was not consulted, and, it appears, even the State Department's Asia Bureau seemed unaware of the plan. The enduring symbol of the Bush administration's human rights policy toward China will be the televised image of General Scowcroft, drink in hand, toasting the Chinese leadership with these words: We extend our hand in friendship and hope you will do the same. He then went on to say in a callous slap at those Chinese now in prison for their advocacy of peaceful change, in both our societies there are voices of those who seek to redirect or frustrate our cooperation. We both must take bold measures to overcome these negative forces.[60]

The symbolic significance of the December visit cannot be overstated. The posture of the U.S. delegation was clearly meant to placate Beijing and apologize for the rupture in ties imposed by Washington after Tiananmen Square, despite the fact that the Chinese did not make a single move toward curbing human rights abuses.

Faced with a barrage of criticism, President Bush did further damage, justifying his decision by stating that he is looking for ways to find common ground with Beijing, and noted that We have contacts with countries that have egregious records on human rights.[61] Secretary Baker attempted to justify the mission by stating that human rights were on the agenda, and noted that China's leaders [are] going to have to help us if good relations between China and the United States were to be restored.[62] President Bush made it abundantly plain that the West should not expect any reciprocity in the near future from the Chinese for the United States extraordinary gesture, stating that time is required before Beijing's full response can be evaluated.[63]

There would be yet one more revelation in 1989 which eclipsed even the December mission. On December 18, the White House revealed that National Security Advisor Scowcroft had made a secret trip to China in July, just weeks after the crushing of the democracy movement. The trip had been kept secret and was only revealed when it was reported by Cable News Network. (The Secretary of State apparently deliberately misled the Congress about the July visit when he said that the December trip was the first high level visit by the United States).

The administration stated that the purpose of the July mission was to show the sense of purpose and direction of the U.S. Government. But it clearly violated the President's June 20 statement, suspending all high-level exchanges with China.

In November, the administration opposed an important Congressional initiative which would have granted safe haven to Chinese students with J-1 visas in the United States. On November 30, the President announced that it would veto legislation to permit Chinese students to stay in the United States, and, instead, said that he would grant the students a 4-year extension in the United States through administrative fiat.[64] Because the actual benefits to Chinese in the United States under the President's action are at least arguably more generous than the Congressional measure, it can only be assumed that the President vetoed the legislation to avoid offending the Chinese by disassociating himself from the hugely popular Congressional measure. The President's success on January 25, 1990, in sustaining his veto by obtaining 37 votes for it in the U.S. Senate—four more than the one third of the Senate he needed—was greeted by his administration as an endorsement, or a mandate, for the administration's China policy.

The Chinese were offended anyway. An official response published by Xinhua News Agency (and issued on the very day of Brent Scowcroft's arrival in Beiing) said the decision to implement the extension of stays by administrative means grossly interferes in China's internal affairs, runs counter to Sino-U.S. agreements on education exchanges and hurts Sino-U.S. relations. China's State Education Commission hereby expresses its great indignation and strong protest against it.

The Bush administration also exhibited a singular lack of generosity toward Chinese nationals who fled their country after the June 4 crackdown. A group of more than 100 student leaders, dissident writers1 intellectuals and independent trade unionists escaped to Hong Kong following the crackdown. France, alone among the Western democracies, speedily accommodated the asylum requests of about 70 of them. The rest remained in limbo, fearing detention and possible repatriation if they revealed their whereabouts to the authorities. Instead of making it known that the Chinese would be welcome, the United States threw up bureaucratic obstacles and admitted only a handful.

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[60] The Washington Post, December 10, 1989.

[61] The Washington Post, December 12, 1989.

[62] The Washington Post, December 11, 1989.

[63] The Washington Post, December 17, 1989.

[64] The president did not technically veto the bill. Since Congress had adjourned, presidential inaction on the bill would normally have constituted a pocket veto. Instead, President Bush sent a memorandum of disapproval to the Congress indicating that he was returning the bill to the legislative branch.

Perhaps the one salutary response made by the administration after the Tiananmen Sguare bloodbath was the welcome decision to offer sanctuary to Fang Lizhi and his wife, Li Shuxian, at the U.S. Embassy in Beijing on June 6. Unfortunately, similar concern was not demonstrated about the fate of dozens of other activists. Ren Wanding, a human rights activist imprisoned during the democracy Wall movement and prominent among the demonstrators in Tiananmen Sguare, went to the U.S. Embassy after the June 3-4 crackdown. Instead of being treated like a person in imminent danger and in need of assistance, he was read bureaucratic regulations and eventually left. He was arrested shortly thereafter and remains in detention.

By the beginning of January, President Bush was fishing for examples of positive measures which he could cite as evidence that the Chinese authorities were reciprocating his efforts to mend relations. In his news conference on January 5, the President cited China's granting permission to a Voice of America reporter to return to Beijing and its reiteration of a pledge not to sell missiles to the Middle East as a manifestation of progress. A VOA reporter in is not the same as releasing prisoners and the promises on missiles have almost certainly been broken already.

On January 11, the Chinese government announced the lifting of martial law and the administration immediately took credit, with Vice-President Quayle calling it a dividend of the Scowcroft-Eagleburger missions. Without even querying whether the lifting of martial law would have any effect on the ongoing repression in China, the administration immediately announced its support for World Bank lending for loans for humanitarian assistance such as earthquake relief.

The administration's eagerness to let the Chinese off the hook must be contrasted again with the Reagan position on Poland. When Poland announced the lifting of martial law in July 1983, it also announced a limited amnesty, almost certainly in response to message from the Reagan administration that some sanctions would be lifted if political prisoners were released. But it then promulgated a package of new laws that left the most repressive aspects of martial law intact. The Chinese have done the same. But where the Bush administration rushed to welcome the end to martial law in China, the Reagan administration was far more cautious. We're going to go by deeds, not words, said President Reagan and refused to lift the sanctions which were far more stringent than those imposed on China. The most important sanction of all as far as Poland was concerned—a veto on Poland's application to join the' International Monetary Fund—was not lifted until all Solidarity prisoners were released.

The contrast with the Bush administration's refusal to acknowledge the thousands in prison in China could not be more obvious.

9. Conclusion

When asked how they view the West and its people, ordinary Chinese often reply: In the Westl we're told, human feelings are as thin as paper. This negative image of the West is one that has been assiduously propagated by the government-controlled media in China over several decades as a means of bolstering and validating official claims of the superiority of socialism, and to fend off the allegedly corrupting influence of Western-style bourgeois liberalism I For the countless Chinese citizens who either participated in or supported last summer's pro-democracy movement in Beijing and other cities of China, the Bush administration's unseemly haste in moving to restore normal relations with the present Chinese regime, a mere seven months after the massacre by Chinese government troops of somewhere near a thousand unarmed civilians in Beijing, can only have served to reinforce this impression of superficiality and inconstancy on the part of the West.

The contrasts and ironies of the time are manifestl In an inverse proof of the domino theory, Eastern Europe has all of a sudden moved in the direction of the open society, showing the enormous resources of peaceful popular uprisings against a type of social system whose outward display of strength and immovability merely served—and in China's case still serves—to conceal a profound brittleness. Violent repression by Eastern Bloc leaders was always a possibility during the recent uprisings, and the so-called Tiananmen solution was reportedly under active consideration by East Germany's former ruler, Erich Honecker, at the time of his ouster. But in the event only in Romania, the most repressive of the Eastern Bloc states, did the depth of antagonism between rulers and ruled lead to an attempted, indeed expanded, replay of the Tiananmen scenario, bringing massive violent confrontation and widespread killings before the ending of tyranny could be achieved. China's leadership, which only last November sent an official communique to Ceausescu expressing its desire for still closer links with socialist Romania, that wonderful country,[65] was thrown into consternation by the fall of its one remaining ally in Eastern Europe, and responded by drastically stepping up security measures in Beijing.[66] At the same time, we saw the Bush administration all but encouraging the Soviet military to intervene on the side of the Romanian people in order to ensure their victory over tyranny.

The administration however—cleaving to a flawed and outmoded strategic analysis which holds the maintenance of close ties with China to be the key to any successful containment of Soviet expansionism—has reverted since June 4 to a shabby double standard insofar as the question of human rights in China is concerned. Ever since Deng Xiaoping's return to power in 1978 and throughout the subsequent decade of reform in China, successive United States administrations have allowed the geopolitical assessment to submerge any concern that they may have felt at the well-documented continuance of serious human rights abuses in Deng's China, starting with the suppression of the democracy Wall movement in 1979 (many of whose leading figures, such as Wei Jingsheng, still languish in Chinese prisons today). As a result of this realnolitik approach by the United States and other leading Western nations, China's leadership has come to feel that it can violate the human rights of its citizens with virtual impunity, with no major cost to its international diplomatic and business relations. Witness the comment made by Deng Xiaoping some years ago: When we imprisoned Wei Jingsheng, the West did nothing.[67]

From various statements made by Chinese leaders after the Tiananmen crackdown last June, it is clear that they were genuinely suryrised at even the very limited condemnatory measures subsequently adopted by the West. Indeed, had the West only been more vocal and insistent in its advocacy of the cause of human rights in China during Deng Xiaoping's decade of reforms, it is conceivable that the Chinese leadership, weighing the likely costs and consequences of its actions, might have pulled back from the brink and refrained from ordering the bloody military assault on Tiananmen Square last June. Instead of a major tragedy, significant progress toward democracy in China such as that recently seen in Eastern Europe could well have ensued. And in view of Deng Xiaoping's reported recent characterization of Mikhail Gorbachev being the chief culprit responsible for the collapse of communism in Eastern Europe (a dirty flood of revolts),[68] it is surely time that the United States proponents of old-style 'China card' diplomacy began to reassess their former assumption that a greater geopolitical interest requires the curtailment of United States expressions of concern about human rights in China.

The argument given by President Bush against the adoption by the United States administration of firm and resolute measures to condemn the gross violations of human rights committed by the Chinese regime on and since June 4, 1989, has consistently been that he does not want to isolate the Chinese people. But why, apparently, did such commendable scruples and anxieties not arise in the course of the administration's wholeheartedly enthusiastic response to the recent epochal events in Eastern Europe? Had Nicolai Ceausescu's last-ditch resort to wholesale violence and bloodshed by the hated Securitate forces succeeded, rather than leading as it did to his own overthrow and execution, would the Romanian people too have been isolated by the inevitable Western reaction—the imposition of severe economic and diplomatic sanctions? The people of Beijing and of other Chinese cities last summer were no less determined in their demands for fundamental social and political change in China than were the people of Romania last month—and on the night of June 3-4, 1989 they were every bit as insurgent, fighting the tanks of the ironically-named People's Liberation Army with their bare hands.

The crux of the matter, as regards President Bush's expressed desire not to isolate the Chinese people, is his clearly implied view that the interests of the Chinese people are best served by not upsetting or challenging the interests of the present Chinese leadership. But here again, if radical political change and the overthrow of entrenched elites is good for Eastern Europe, why is the main thrust of United States policy now toward maintaining all possible links with those who ordered the massacre in Beijing and, at every opportunity, to draw a discreet veil over the brutal events of last summer?

Even when judged by its own standards, this realpolitik approach is both short-sighted and self-defeating. For the fact is that the post-June 4 regime in China is unquestionably more deeply unpopular1 despised and hated by its citizens, particularly in the cities, than any since 1949—and its days are clearly numbered. When Deng Xiaoping, Li Peng and Yang Shangkun ordered the troops into Beijing and authorized them to open fire on the peacefully insurgent citizenry, they crossed their Rubicon just as surely as Ceausescu crossed his when he ordered the massacring of innocents at Timisoara. The crucial difference (and perhaps the only salient one) between the uprisings in China and in Romania, was that in the latter case the army eventually sided with the people. There was, however, clear evidence in the former case of widespread disaffection among PLA soldiers and officers, and it is possible that the Chinese military, having examined the Romanian example, will react 1te differently next time. Previously respected by the people, the PLA has suffered an enormous loss of popular prestige as a result of the crackdown, and it must be aware that there is only one clear way to restore its credentials.[69]

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[65] AFP, December 23, 1989; in FBIS, December 26.

[66] See for example, Washington Post, December 26, 1989.

[67] Quoted in the CPC Central Committee's Document No. 1, January 1987.

[68] Washington Post, January 9, 1990. See also New York Times, December 28, 1989.

In weighing how to respond to the tragic events in China, it should be firmly borne in mind that the main political casualty of the post-June 4 repression in China has been the very sizeable constituency of reform-minded intellectuals, policy makers and senior Party and government officials that was previously moving steadily toward a commanding position. This constituency extends throughout the country, is particularly strong in the coastal provinces and in the capital, and it undoubtedly represents the main hope for future democratic reform and economic renewal in China. The cautious indifference of the West toward the failure of the popular democratic movement in China, and its increasing eagerness to return to business as usual with an outwardly triumphant but internally beleaguered regime, only serves to delay the eventual return to power of this reformist camp and to diminish its current ability to resist and assert itself.

For the present Chinese leadership, there can be no going back—any resumption of democratization or of real political reform is manifestly out of the question, for it was these very processes which brought the regime into confrontation with its own people in the first place, in a crisis to which the regime knew and offered only one answer: bloody repression. Wholesale intimidation and tight authoritarian control are the only instruments by which the present Chinese regime can maintain its position of power over society, and it cannot afford to relax these except in superficial ways useful for external purposes. Amid the nauseatingly self-congratulatory rhetoric accompanying the lifting of martial law (the martial law has fulfilled its historic mission. It added a shining chapter to the history of the republic),[70] the regime is even now preparing for the next round of violent confrontation with its citizens.

An article in the Liberation Army Daily on December 2, 1989, for example, described in considerable detail the various items of repressive equipment that China's mobile forces urgently need to obtain, including: A certain number of high-speed vehicles for pursuit and patrolling purposes * * * and some special vehicles with large engines that are collision resistant and bulletproof so that they can be used to remove all roadblocks and intercept armed thugs. In addition: Other vehicles should be improved in their technical properties so that their tires cannot be punctured, their doors and windows cannot be smashed and their bodies cannot be approached or burned. Plans for computerized antiriot command centers, in the PLA's] headquarters and in all general brigades, were said to be already at the implementation stage.[71]

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[69] According to the South China Morning Post of December 28, 1989, Yang Baibing, Chief Political Commissar of the PLA, revealed in an unpublished speech made in early December that: The commander of the Beijing-based 38th Group Army and another 110 officers and 1,400 soldiers refused to take orders or left their posts during the People's Liberation Army crackdown on the prodemocracy movement in April and June. Continued the According to Mr. Yang, 21 officers and cadres with ranks of divisional commander or above, 36 officers with ranks of regimental or battalion commander, and 54 officers with the rank of company chief breached discipline in a serious manner during the struggle to crush the counterrevolutionary rebellion in June. In addition, 1400 soldiers shed their weapons and ran away. Finally: Mr. Xu Qinxian, head of the Beijing-based 38th Group Army * * * was reportedly court martialed in the autumn and given a stiff sentence. And according to the Far Eastern Economic Review of January 4, 1990: One well-placed [Western intelligence] analyst estimates that the number of PLA personnel court-martial led or executed around June 4, 1989 was in the low hundreds.

[70] People's Daily, January 11, 1989.

[71] FBIS, December 28, 1989. Moreover, according to the Wall Street Journal, January 2, 1989: At the highest level, China has created a group under the Communist Party's Central Committee to deal with potential disturbances, according to Chinese sources. The Urgent Contingency Preparatory Group is headed by 85-year-old Deng Xiaoping.

The Chinese, perhaps more than any other nation, look to history for answers, and in this case they do not have to look very far. In April 1976, three months after the death of Premier Zhou Enlai, hundreds of thousands of Chinese gathered in Tiananmen Square to express their grief and to protest the recent rise to power of the ultra-leftist Gang of Four, Mao's closest allies. The security forces and the People's Militia were promptly unleashed on the crowds, and hundreds were injured before the Square was finally cleared of demonstrators and returned to the people. This first Tiananmen incident was at the time declared by the authorities to have been a serious counterrevolutionary disturbance, and a period of deep repression followed throughout China. The population was cowed, and it soon retreated into sullen acquiescence; but it never forgave the regime for the bloodshed in the square.

In September 1976 Mao Zedong died—his political reputation and popular esteem in tatters—and within days the more progressive elements of the Chinese leadership had staged a peaceful coup. The Gang of Four was placed under military arrest, activists imprisoned after the April demonstrations in the Square were released and rehabilitated, and the Tiananmen Incident itself was soon declared by the new regime to have been, after all, a wholly revolutionary action on the part of the people of Beijing. Deng Xiaoping's time had come at last, and the reforms soon began.

The scale and size of last summer's popular protests in China against official corruption and lack of democracy simply dwarfed that of the 1976 protests in Tiananmen Square. Then, the military was not used, nor has it ever been proven that a single person died in the course of that crackdown; but the regime of the Gang of Four was nonetheless doomed by its actions then. Several hundred and perhaps as many as 6 thousand Chinese citizens, the overwhelming majority of whom were unarmed peaceful demonstrators or just plain onlookers, were slaughtered on the streets of Beijing last June. The Chinese people—who doubtless recall well that even at the height of the civil war between Communists and Nationalists in late 1948, the KMT military commander of Beijing chose to surrender peacefully to the People's Liberation Army rather than allow fighting and bloodshed among Chinese to take place in the capital—will sooner or later exact retribution from those who ordered this act. Deng Xiaoping, once a hero to his people, has now destroyed his own reputation just as Mao did.

Having prevailed thus far in its battles with Congress over China policy, the Bush administration has a responsibility to alter its course radically, if it is not to inspire universal cynicism over its claims to espouse human rights. Yet the very fact that the administration has scored a political victory such as the January 25 vote in the Senate that fell short of overriding the President's veto of legislation on the Chinese students in the United States makes it unlikely that such an alteration of course will take place. Accordingly, the burden of trying to shape a policy that reflects concern for human rights still rests largely on the Congress.

The choice before the U.S. Congress, as it debates how best to respond to the administration's shamefully supine policy in recent months toward the unrepentant tyrants of Beijing and their ongoing suppression of the pro-democracy movement, should be decided by one consideration above all others. Namely, does the United States want to signal to the Chinese people, and to the reform-minded majority of its intellectual and governmental elite who will inevitably return to power some day soon, its resolute commitment to the cause of democratization and freedom in the communist world? Or will it, by default and inaction, rest content to convey the message that the United States people and its government are but fair-weather friends of that cause, so betraying the hopes of countless numbers of Chinese citizens who last summer looked to the West, and the United States in particular, as a source of inspiration? If so, the impressions of America that will stick in China are, first, of how its television camera crews were always there in the Square to record the scenes of exultation and triumph before June 4, and to take home the soundbites for prime time audiences; and secondly, of how once the ensuing bloodshed had begun and the movement's crushing defeat had been thoroughly recorded, the camera crews—and with them the interest and concern of the U.S. Government—simply packed up and went elsewhere.

ARRESTS IN CHINA SINCE JUNE 4, 1989

1. Introduction

Repression in China continues, with at least 40 officially confirmed death sentences and executions and a continuing extensive purge of individuals associated with last year's prodemocracy movement. The latest reported death sentences, on a worker and an unemployed person, were imposed in Beijing in early December 1989.

Three more persons, convicted of participating in the Chengdu riots of early June, were executed on November 7. And on October 14, a man was executed in Jinan, Shandong Province, after being convicted of having burned a vehicle on June 6. For the most part, however, the official media has curtailed its earlier open reporting of arrests and executions, almost certainly in response to international criticisms of the purge. Moreover, the majority of those detained or arrested since June 4 have been held incommunicado, often in secret locations.

Many of those arrested have been accused of non-violent acts, eg. spreading rumors, or distributing counterrevolutionary handbills. While many others have been accused of acts of vandalism, arson or other crimes, there is no way of judging from the official media reports what the basis for such charges is. Chinese radio and television reports have singled out for particular attention those cases in which individuals have allegedly engaged in violence or have had previous convictions. However, the majority of those detained appear to be being held by the authorities solely on account of their involvement in peaceful protests.

On July 8, Chinese authorities listed five crimes that would henceforth carry punishments ranging from reform through labor to death, including propagating and actively supporting the spread of bourgeois liberalization. This suggests that the non-violent advocacy of political reform could now be viewed as a capital offense in China.

The vast majority of those brought to trial and sentenced since June 4 for their prodemocracy activities have been either workers or unemployed. In a significant new development, however, the authorities have recently begun to conduct secret trials of students. Six Beijing students, all from the College of Foreign Affairs, a' prestigious institute for the training of future diplomats, went on trial in November, according to Reuters (December 11, 1989). Four were convicted of counterrevolutionary crimes and two were convicted of theft; the court imposed sentences ranging from seven to ten years' imprisonment. Sources, requesting anonymity, told Reuters that the trials had been closed even to families of the accused. The names of the students are not yet known.

Those executed thus far were tried in what can only be termed summary proceedings, although the trials and appeals were in accordance with a 1983 decision of the National People's Congress to speed up adjudication of internal security cases. By the terms of that decision, which has the force of law, the defendants have only three days to appeal. There has been no mention in the press of any defense counsel. Also, there is no tradition in China that the defendant is presumed innocent, although legal reformers have been pressing for adoption of this principle since the enactment of a Criminal Procedure Code in 1979. Instead. confessions extracted by force or intimidation are common; it appeared that several of the prisoners who made public recantations on television in the past months had been subjected to severe physical abuse. In addition to those sentenced to death. many prisoners recently arrested have been sentenced to reform through labor in equally summary trials, or else have been sent for reeducation through labor—a form of detention without trial. In both of the latter cases, the prisoners are likely to end up in the Chinese gulag, a vast network of labor camps, where conditions are reported to be extremely harsh. If the experience of prisoners during the Democracy Wall Movement of 1978–79 is any indication, detained leaders of the independent student and worker federations face years of solitary confinement and hard labor.

To prevent any further escapes of individuals now being sought for their involvement in the democracy movement, the Chinese government sealed the country's borders and changed its visa regulations. All exit permits issued before June 20 are now invalid, and holders of current passports are required to get new permits at the Public Security. Bureau (PSB, the equivalent of the police). Anyone obtaining a foreign visa now has to go back to the PSB for a second permit. In addition to changing these regulations, security has been tight at China's airports and train stations, and there have been numerous arrests of people in the departure area of Beijing's international airport, and instances of people having been dragged off planes.

Individual cases of some of those reportedly arrested or executed are outlined below. It should be noted, however, that the great majority of detentions or arrests carried out in China since June 4, 1989, have not been publicly announced by the authorities, so no details are available.

2. Death Sentences and Executions

MENG Duo, 24, an unemployed worker, and ZHOU Jiguo, a restaurant employee, were tried and sentenced to death in early December, 1989, by a Beijing court on charges of murdering a policeman on June 4, 1989 according to a recent report in Beijina Wanbao (Associated Press December 8). A third co-defendant, CSEN Yong, a worker from Tangshan, was sentenced to life imprisonment. The three allegedly attacked and killed LI Guorui, 20, a member of the People's Armed Police, at 5.00 a.m. on June 4 as government troops were converging on Tiananmen Square. According to Beiiina Radio, the sentences reflected the government's determination to strike severe blows against the criminal activities of counterrevolutionary elements and to protect the security of the state. The report gave no indication as to whether the executions had been carried out; but since Li Guorvi has been officially declared a martyr, reprieves for Meng and Zhou are extremely unlikely to be granted.

The Sichuan provincial Radio Service (FBIS, November 9, 1989) reported the names of three men sentenced to death on November 7 by the Chengdu City Intermediate People's Court. ZHOU Qi, HE Xiaokaug and CHEN Guangping were found guilty of unbridled beating, smashing, looting and burning during the June 4–6 riots in Chengdu. They allegedly attacked the police, engaged in robbery, set fire to a movie theatre and destroyed shops (according to Chengdu Radio, cited in a BBC broadcast of November 7). Three others, Baiming, LI Ying and YANG Jin were executed on charges of murder and theft apparently (but not certainly) unrelated to the June prodemocracy events. All six appeals before the Sichuan provincial High People's Court were rejected, according to Amnesty International (ASA 17/98/89 November 16, 1989). A public sentencing rally preceded the executions. Chengdu was the scene of a major conflict between police and demonstrators in June, in which as many as several dozen people were killed by the security forces.

SON Baohe was executed in Jinan, Shandong Province, on October 14, according to Reuters (October 20). The Jinan Masses Daily of October 15 reported that Sun, together with two others, had been convicted of burning a Shanghai-brand vehicle on June 6. Sun was sentenced to death, while his co-defendants WANG Lixin a factory worker, and WANG Yong, an office worker—each received 10-year prison terms.

YU Chunting and GUO Zhenghua were executed on July 29 after being sentenced to death by the Wuhan Intermediate People's Court. They were charged with murdering two civilians, stabbing a soldier and stealing his gun during the prodemocracy unrest in May in Wuhan, according to July 31, 1989 dispatches from Reuters and UPI. The execution report appeared in the Guangmina Daily, which did not give precise details of the murders. YU was said to have served a sentence in a labor camp and GUO was described as a criminal. DENG Wenbin, allegedly an accomplice, was sentenced to death but given a 2-year reprieve. Two others were sentenced to life imprisonment and nine more were convicted on charges of assaulting police, damaging railway property, and inciting people to attack Communist Party and government offices.

Two peasants, LI Wenbao, 20, and LIANG Hongchen, 18, accused of stealing bicycles and money, were sentenced to death on July 26, 1989 by the Beijing Intermediate People's Court after being convicted of indulging in violence following the military crackdown of the democracy movement on June 4, 1989. They had three days to appeal their sentences. LI is from Shunyi County, a suburb of Beijing, and LIANG is from a suburb of Shenyang.

WANG Guiyang and ZHOU Xiangcheng, peasants from Sichuan Province, were sentenced to death on July 1, 1989 in a public trial by the Chengdu Intermediate People's Court. They were convicted on arson charges for having burned vehicles in Chengdu on June 5. Their appeals were turned down by the Sichuan High People's Court, and the two were executed by firing squad on July 8. A third man, BE Qiang (Jiang) was sentenced to death but given a two year reprieve.

Seven people were executed in Beijing on June 21, 1989: LIN Zhaorong, CHEN Jing, ZHU Jianjun, WANG Hanwu, LUO Hongun, ZHANG Wenkui and BAN Buije. An eighth person, WANG Lianxi, a woman, was apparently spared. All eight had been sentenced to death by the Beijing Intermediate People's Court on June 17. Their appeals to the Beijing Supreme People's Court were turned down.

Lin zhaorong had been a worker at Huimin Hospital in Beijing and had served a previous sentence of 3 years forced labor for hooliganism, according to a Beijing radio broadcast. He was accused of setting fire to a military vehicle on June 5. Luo Hongjun was a ticket seller for the Beijing Municipal Public Transportation Company; he was accused of looting supplies from military trucks. Ban Huije, a peasant from Xinle County, Hebei, was a contract laborer in Beijing; he was accused of beating up soldiers, and of knocking one of them unconscious.

Seventeen executions were carried out in Jinan on June 20 after the condemned prisoners were paraded through the streets. The Jinan Daily, a local newspaper, reported that the 17 were among a group of 45 people sentenced to death or imprisonment after an open trial. Beijing radio said the trial was attended by 10,000 people. Nine prisoners were given a 2-year deferral of their sentence during which they will have to do forced labor, but the others were given deferred sentences, according to a UPI report.

XU Guoming, a brewery worker; BIAN Hanwu, unemployed; and YAN Xuerong, a radio factory worker were publicly executed on June 21 in Shanghai after an afternoon session of the Shanghai Intermediate People's Court upheld their death sentences. They had been sentenced to death by the Shanghai court for setting fire to a train that had plowed through a group of demonstrators on June 6, killing six and injuring six others. The demonstrators had been blocking the track to protest the massacre in Beijing. The men were arrested, together with eight others: PENG Jiamin, WEI Yinchun, YANG Xiao, SUN Jihong, AI Qilong, YUAN Zhimin, ZAHO Zhimin and ZHU Qin. All were accused of having smashed railway cars, setting fire to nine railway cars and six public security motorcycles, turning over police boxes and beating up firemen to impede them from putting the fire out, according to a Beijing newspaper account. According to Wang Shuquan, deputy chief procurator, all pleaded guilty, except for ZHU Qin. Shanghai radio announced that ZHU would be released after education. It is not clear how the Shanghai People's Subprocuracy, which charged the men, singled them out from the other demonstrators. Warrants of arrest were issued on June 8, and the first three were tried under Article 110 of China's criminal code. Ku, Sian and Yan had 3 days to appeal.

LIU Baode, a hooligan, was executed by shooting after his sentencing on November 30, 1989, by the Municipal Intermediate People's Court in Beijing. In an unprecedented move, the sentence was announced in the official press without details as to the time and place of arrest or the alleged crimes (Beiijing Radio, December 1, 1989, in FBIS December 20). At the same time, 60 Peng, a hooligan, was sentenced to death (Beijing Radio, December 1, 1989, in FBIS December 20). His sentence was suspended for 2 years and he was deprived of his political rights for life. Neither Liu's nor Su's connection to the prodemocracy movement is known, but the way in which their sentences were reported gives strong reason to suspect that they were in fact prodemocracy activists.

3. Arrests of Hong Kong and Macao Chinese

On December 25, 1989 the China News Agency (Zhong Xin She) announced that three Hong Kong Chinese—LUO Haixing, LI Peicheng and LI Longqing—and two Chinese from Macao—XIE Zhenrong and CHEN Zewei—had been formally placed under arrest by the public security authorities of Guangdong Province for their alleged involvement in the underground railroad, a Hong Kong-based network which has secretly helped over 100 prodemocracy activists to escape from China since June 4.

According to the report, Luo Haixing was arrested on October 14 by border guards at Shenzhen while attempting to help top democracy-movement leaders Wang Juntao, Chen Ziming and others escape to Hong Kong. Luo Haixing is the son of Luo Eu, a former editor of the Hong Kong Xin Wan Bao (New Evening News). The China News Agency report accused Luo Haixing of having ttcon$pired11 since July this year with Cen Jianxun, a leading member of the Hong Kong Alliance in Support of the Patriotic Democratic Movement in China (the main umbrella organization for prodemocracy groups in Hong Kong), to operate the underground escape channel. The report also accused the Hong Kong Alliance of being dedicated to the overthrow of the Central People's Government and to the incitement of domestic turmoil in China.

Luo's case is being handled not by the Guangzhou Public Security Bureau, but by a special group sent to Guangzhou directly by the Ministry of State Security and charged with looking for prodemocrats on the run (Ming Bao, December 22, 1989 in FBIS December 22). The arrest notice from the Public Security Bureau prohibits family visits and noted that Luo, 40, might be sentenced in 2 to 3 months time. A visit request from his father, former editor-in-chief of the Hong Kong Xin Wan Bao, was refused by the Ministry of State Security. Luo, a representative of the Hong Kong Trade Development Council in Beijing from 1986 until March 1989, when he began to operate his own import-export business, was last seen by his brother on October 16, 1989; his whereabouts were unknown until his family received notice of his arrest in mid-December. Luo holds a Hong Kong British passport. According to Reuters (December 21, 1989) the British Embassy has made inquiries, but the Chinese authorities have refused to comment. They regard Luo as being aChinese national.

In 1983, Luo's father, Luo Chengxun (Luo Fu), was sentenced by a Beijing Municipal Court to ten years imprisonment for spying for the United States, but was quickly released. He now resides in Beijing.

Li Peicheng, a resident of Hòng Kong, entered China on October 12 and was arrested in Zhanjiang, Guangdong Province on the following day, according to the report. He had allegedly used addresses, names and liason codes supplied to him by the Hong Kong Alliance in an attempt to smuggle Chen Ziming and the others, then in hiding in Zhanjiang, out of China.

Li Longqing, also a resident of Hong Kong, was arrested on December 5 in Shenzhen, according to the China News Agency report; it stated that Li had worked together with Li Peicheng during the failed October mission to rescue Chen Ziming, Wang Juntao and others, but it made no mention of how he had evaded capture at that time.

The report also states that two Macao residents, Xie Zhenrong and Chen Zewei have been formally placed under arrest by the Guangzhou public security bureau for their alleged role in trying to assist the Beijing student leader Sheng Zuguang to escape. Chen, 29, a Chinese major and vice-chairman of the Macao student union, was one of three students from Macao, taken into custody on July 27 by a special team sent to Guangzhou from the national office of the Public Security Bureau. All three were students at Jinan University in Guangzhou. From their homes in Macao where they were on leave, they traveled to Guangzhou on July 26 without informing their families. On August 11, the families received an anonymous phone call that the three had been detained. This was later confirmed by the Macao office of Xinhua News Agency.

The two other students, QIN Guodong (Chun Kwo-tung), 21, a medical student, and LIANG Xihua (Leung Sai-wai or Shehua), 23, a student of international finance, were released on August 23 after having been detained for almost a month. They have returned to Macao. A fourth student, Hong Kong resident TSE Chun-ving, about whom little is known, was still in custody as of August 24. He, too, was accused of helping activists in the democracy movement escape through Guangzhou.

4. Arrests of Chinese Students and Intellectuals

Two intellectuals who headed the Chinese authorities recently released most wanted notice, WANG Juntao and CHEN Ziming, together with Chen's wife, WANG Zhihong, have been arrested near Canton while following a secret escape route in a bid to reach Hong Kong, according to Asia Watch sources and Reuters (November 9). FEI Yuan, an editor on the now-banned journal Economic Studies Weekly, may also have been arrested. Several people from Hong Kong and Macao, who had entered China to escort the group to safety, were arrested at the same time. The total number of those caught in the police swoop, which is thought to have been based on a tip-off provided by someone within the exiled prodemocracy movement, could be as high as 20.

Wang Juntao (alias Wang Xiaojun) and Chen Ziming (alias Li Bin) have played a key role in China's unofficial movement for democracy ever since 1976, when both were arrested and jailed in the wake of the April 5 Tiananmen Incident. At that time, popular mass demonstrations in Tiananmen Square against the regime of the Gang of Four were violently suppressed by the authorities; 2 years later, however, the Tiananmen incident was officially reappraised as having been entirely revolutionary in character. During the Democracy Wall movement of 1978–80, Wang, a native of Henan, founded and edited an unofficial prodemocracy magazine called Spring of Beijing. He was by then an alternate member of the central committee of the Communist Youth League. In 1980, as a physics student at Beijing University, Wang stood as an independent candidate for election to the Beijing local legislature, in the first openly-contested elections ever to be held in the PRC. Prior to the crackdown, Wang, 31, was a leading member of the Beijing Institute of Social and Economic Sciences, the associate chief editor of Economic Studies Weekly and deputy director of the Beijing Young Economists Association.

Chen Ziming, 37, is from Haiyan County in zhejiang. Until June 4, he was director of the Beijing Institute of Social and Economic Sciences, a pioneering private research organization. The specific role played by Chen and Wang Juntao in the recent prodemocracy movement in Beijing is still unclear, but it is thought that both were active as behind-the-scenes strategists and as advisers to the protesting students.

The two topped a Ministry of Public Security list, issued in June, of China's seven most-wanted intellectuals, but they had managed to evade arrest until the authorities release in October of a new wanted list. Also named on this list are: Wang Zhihong, 32, from Shanghai; WU Xuecan, 38, from Binhai County in Jiangsu, an editor and journalist on the People's Daily Overseas Edition; LIANG Qingtun (alias Liang Zhao'er), 20, from Pengxi County in Sichuan, a student at the Psychology Department of Beijing Normal College; CHAI Ling, 23, from Rizhao City in Shandong, a postgraduate student at the Child Psychology Research Institute of Beijing Normal College; and her husband FENG Congde, 22, from Sichuan Province, a postgraduate student at Beijing's Remote Sensing Institute. (Chai and Feng were both top leaders of the Tiananmen Square protest movement.) According to Mina Bao of November 3, the wanted notice accuses the seven of being important criminals who incited, organized and directed the Beijing counterrevolutionary riot. They have committed serious crimes and have run away out of fear.

Asia Watch has received confirmation that the famous writer and journalist WANG Ruowang has been arrested. He is believed held incommunicado in No. 1 Detention Center in Shanghai. According to Asia Watch's latest information, Wang went into hiding after June 4, 1989 but later returned to Shanghai to face his accusers, and was then, in mid-September, placed under arrest. His wife, YANG Zi, has apparently not been arrested, although she may be under house arrest. Further confirmation of Wang's arrest was given in an report of October 31, which quoted a Party official who requested anonymity as having said: Wang Ruowang was arrested more than a month ago on orders from Beijing. The official added: We don't know the fate of the people arrested. Even their families don't know where they are and have to go to the police station to deliver mail and tend to affairs.

On October 20, two articles sharply criticizing Wang Ruowang appeared in Shanghai's Wen Hui Bao and Jiefana Radio (Liberation Daily). His activities during the prodemocracy movement were listed as follows: listening to the Voice of America and spreading rumors based on its broadcasts; writing articles in support of the student hunger strike and giving counterrevolutionary speeches on Shanghai's People's Square; and publishing articles in the Hong Kong press. He also participated in a demonstration march in May in support of the student movement. It was stressed that Wang would have to be severely punished for such activities. He was also castigated in the Shanghai press for having said of the movement: I am very happy. It is a wonderful sight. The long awaited day has finally arrived.

Wang, 71, was a member of the Communist Party from 1937 until early 1987, when, in the wake of the large-scale student demonstrations of the preceding winter, he was expelled from the Party along with dissident intellectuals Fang Lizhi and Liu Binyan.

A number of prominent Shanghai intellectuals and students—CHEN Lebo, RUAN Jianyunh, CHEN Qiwei, YU Zhongmin, SHI Binhai, YANG Lujun, WANG Youcai and ZHAO Wenli—were reportedly arrested during the summer and autumn of 1989. All were cited as agitators in The Facts about the Shanghai Riot, a June 28, 1989 article in the Shanghai daily, Wen Hui Bao. The article was later reprinted in other major Chinese newspapers.

CHEN Lebo and RUAN Jianyun are, both journalists. Chen, now in his forties, was director of the domestic economic section of the Shanghai newspaper, Shijie Jingii Daobao (World Economic Herald); Ruan was deputy director of the newspaper's Beijing office. Chen was charged with joining the prodemocracy movement and engaging in counterrevolutionary propaganda, according to Shijiie Radio (World Journal, October 19, 1989). The arrests of Chen and Ruan have been independently confirmed by an Asia Watch source, although the arrest dates are not known.

CHEN Qiuei, 33, a vice-director of the Economics Department at East China Normal University, was reportedly arrested in August. He had written articles and given lectures during the prodemocracy period, promoting the idea that political reform should precede economic change.

Chen Qiwei, Chen Lebo and Ruan Jianyun are all believed to be held incommunicado at No. 1 Detention Center in Shanghai.

YANG Lujun, a researcher at the Asian Institute of the Shanghai Academy of Social Sciences, was arrested in August. He is said to have been actively involved in the democracy movement and to have visited Hong Kong in May.

YU Zhongmin and SKI Binhai were reporters for Fazhi Yuekan (Law Monthly, published in Shanghai by the East China Institute of Government and Law), and were also arrested for their involvement in the democracy movement, according to Shijie Radio (October 10, 1989). The arrest dates are not known.

Two others mentioned in Facts about the Shanghai Riot, WANG Youcai and ZHAO Wenli, are believed arrested although the arrests have not been confirmed. Wang, general secretary of the Beijing Students, Autonomous Federation, attempted to organize continued student resistance in Shanghai after the June 3-4 crackdown in Beijing, according to Renmin Radio (People's Daily, September 24, 1989). Zhao Wenli, a female student from the class of 1988 at Northwestern College of Politics and law, was identified in the article as the former head of the Student Propaganda Delegation to the South. She was said to have gone to universities in Shanghai on May 24 to stir up problems.

On December 7, 1989, LIU Jianan, 38, was sentenced to 10 years imprisonment and deprived of his politicl rights for 2 years by the Changsha Intermediate People's Court (FBIS December 14). According to the official Hunan Radio, Liu is said to have listened to the enemy Radio of Taiwan from May 1989 on, and to have tried to maintain contact with the station. Liu, a former teacher at, Changsha's 25th Middle School, is also accused of sending 16 counterrevolutionary letters from Changsha, Yueyang and Wuhan to KMT secret agents, and of organizing, publishing and distributing reactionary books.

WEN Yuankai, a prominent lecturer and biophysicist at China University of Science and Technology in Hefei, Anhui Province, has recently been arrested, according to an Asia Watch source. The University of Science and Technology was the birthplace of the student protest movement of winter 1986–87; at that time Fang Lizhi, China's leading dissident figure, was the university's vice-chancellor.

TIAN Qing, distinguished music historian and Deputy Director of the Institute of Music in the Chinese Academy of Arts, Beijing, was arrested on September 23, 1989 according to an Asia Watch source. He is believed to be held incommunicado in the Erlong Detention Center in western Beijing. Tian, a Tianjin native in his early forties, had been under investigation since his denunciation for giving a lecture on June 4 at the Shanghai Music Conservatory describing events he had witnessed in Beijing on June 3.

ZHENG Di, a journalist on the magazine Jingiirve Zhoubao (Economics Weekly), has been arrested while trying to flee the country, according to an Asia Watch source.

CHEN Bo, from Beijing University; LIU Xiaofeng, deputy director of the Structural Reform Institute, and nine others (names unknown) from the Institute; WU Jiayang of the Chinese Communist Party Central Office; and WANG Ziaoping, an editor at the Workers' Publishing House have all been arrested, according to an Asia Watch source. Dates and places of arrest are unknown.

WANG Hong, a second year English student at Zhejiang Teachers University in Jinhua was arrested on campus when he returned from summer recess, probably in early September. He is reportedly being held incommunicado, denied visits by his family. Wang, in his early twenties, is charged with burning posters bearing quotations from Mao and with using his own blood to write slogans.

OUYANG Ping, a lecturer at the Institute of Sociology at Beijing University, was taken into custody at the same time as two other Beijing intellectuals, SUN Ii and LU Liling, previously reported arrested by Amnesty International (ASA 17/66/89). Sun was a graduate of the Institute of Sociology at Beijing University; LU, 35, was a member of the editorial department of the journal Develonment and Reform of the Research Institute for the Reform of the Economic Structure. Amnesty also reported the arrest of a fourth intellectual, ZHOU Yongping, another teacher at Beijing University's Sociology Research Institute. No additional details are available.

MA Ziyi, 38, a lecturer in the history department at East China Normal University, is believed to have been arrested shortly after the student leader, Wang Dan, was captured on July 2, 1989. Wang is said to have used Ma's apartment as shelter for a short period prior to his arrest.

CHENG Kai, chief editor of the Hainan Radio and a Zhao Ziyang supporter, was arrested on July 19, 1989, according to Tuanjie Bao (Solidarity News, September 5, 1989) and Huaqiao Radio (Overseas Chinese Daily, July 19, 1989). This arrest has not been independently confirmed.

ZHANG Cunyong, 27, an instructor in the department of management, Beijing Institute of Steel, was arrested on June 15, together with his sister (name unknown) and HOU Xiangjun. Zhang was active in the democracy movement prior to the June 4 crackdown; afterwards he edited and printed information about the repression. His sister and Hou are said to have assisted in the printing.

According to Beijing Wanbao (June 7, 1989) HU Jinping, a member of the Autonomous Federation of University Students from Outside Beijing, was arrested for setting fire to military vehicles on June 6.

LI Xiaolu, XIA Ming and YANG Jun, all students at Beijing Normal University, are reported to have tried to hide a submachine gun on June 6. According to a report in Beijing Radio (July 7, 1989), they were turned in by informers after June 20.

ZHENG Mingxia, treasurer of the Beijing Students Autonomous Federation is reported to have been arrested on July 27, 1989.

DUAN Xiaoguang, a Nanjing University professor of philosophy in his early 30's, was reportedly arrested in Shenzhen around August 30, 1989 while attempting to leave for Hong Kong.

CAI Sheng, a grade 2 student at Wuchang Senior Middle School, was handed over to the police by Harbin Engineering University on June 8, 1989. He is accused of having lied that his sister was a student at the Politics and Law Department of Beijing University and was killed on campus by a shot to the chest, and of stealing a mini-cassette and other articles while housed overnight by sympathetic students at a Harbin University. According to a report in the June 7 Heilongjianq Radio (in FBIS August 4), Cai asked for leave on June 3 and took a train to Harbin. He later confessed that he went there to develop some film and do some shopping, but after seeing some leaflets he decided to take advantage of the opportunity to cheat. On June 6, he allegedly made a speech in front of Harbin Construction Engineering College, saying he was a senior middle school student from Jilin and was an eyewitness to the events of June 4 in Beijing, where he saw many students killed in Tiananmen Square by vehicles running over them. He also said he lost his watch and 300 yuan at the Square.

WANG Jianxin, deputy director of the Historical Preservation and Museum Science section of Northwest University in Xi'an, was arrested on campus sometime during the first half of September, according to an Asia Watch source. Wang had written an independent wallposter account of the serious clash between police and student demonstrators which occurred in Xi'an on April 22, in which he blamed the police for the violence. He also wrote letters to Deng Xiaoping, Li Peng, Zhao Ziyang and the Supreme People's Court and Procuracy calling for a government investigation into the causes of the April 22 Massacre in Xi'an, and he helped organize a protest demonstration there on May 17. Wang has been held incommunicado since his arrest.

SU Ding, 32, Dean of the East-West Art Institute of the Sichuan Academy of Social Sciences, has been formally charged by the Sichuan Provincial Government with political crimes allegedly committed in late May or early June. According to an Asia Watch source, Su made speeches, participated in demonstrations and attended meetings, all of which were branded anti-Party. Su was arrested in late August in Beijing while buying an international air ticket. He had been invited to serve as a Visiting Scholar this year at Arizona State University, and his travel documents were all in order. Su, a specialist in aesthetics and literary theory, was forced by the Sichuan Party authorities to write a series of self-criticisms this past spring after he had recommended for publication a book which was later denounced as being anti-Party. He is thought to have acguired the taint of bourgeois liberalism through this and other similar acts. Su is believed held incommunicado.

The arrest of XUN Jiansheng, 34, an instructor in Marxist philosophy at the Sichuan Provincial Youth League College, was announced at a mass rally in Chongqing on September 13. According to the following day's Chonggina Evening News, Xun spoke out in his classroom, on June 8, against the government repression in Beijing; for this offense he is charged with counterrevolutionary propaganda and incitement. According to the October 10 Hong Kong paper Ming Bao, Xun Jiansheng was denounced to the authorities by one of his pupils, who reported Xun to have said, Several hundreds or even thousands of people were killed in Beijing. Xun has reportedly been expelled from the Party and dismissed from his post, and is now being held in a detention center in Chonqqing. His family have not been informed of his whereabouts; they learned of his arrest and of his appearance at the mass rally only from a television report.

The same article in Ming Bao also mentioned the recent arrest and sentencing to two and three years re-education through labour of six unnamed persons, mostly workers, apparently in connection with the prodemocracy movement in Chongqing.

YUE Wenfu, a student at the Lu Xun Academy of Literature and a leading activist in the Tiananmen Square occupation, has been arrested and badly beaten while in prison, according to an Asia Watch source. Yue is thought to have helped erect barricades in Beijing in order to block the PLA's entry into the capital.

SHAO Jiang, 22, a member of the central committee of the Autonomous Students Union of Beijing Universities, was arrested on September 1, 1989 near the border between Zhuhai and Macao, according to the Hongkong China News Agency report on September 3. Four others were arrested at the same time. Shao had been a mathematics major at Beijing University and was deputy secretary-general of the Beijing University Self-Rule Preparatory Committee.

LI Jiniin, about 30, was arrested on June 12 at his home in Wuhan. He was a doctoral student in constitutional law at Beijing University. He also worked as an instructor at the Institute of Law and Politics in Beijing. Up until the time of the student demonstrations in April and May, Li had been head of the official Graduate Students Union at Beijing University. He was arrested at gunpoint, according to an Asia Watch source. From Wuhan he was transferred to a detention facility in Beijing. Family members have been permitted to drop off clothes for him but as of late August, they had not been allowed to see him.

WU Xiaoyong, the producer of an unauthorized Radio program which announced on June 4 that thousands had been killed in the military crackdown, was arrested at the end of August, according to Asiaweek. Wu is the son of the former Foreign Minister, Wu Xueqian.

SONG Lin, a professor of Chinese Literature at East China Normal University in Shanghai is reported to have been arrested in early September. Song led a march of students and workers on June 9 in Shanghai to protest the killings in Beijing; the demonstrators put up barricades to block traffic. Interviewed under a pseudonym several days later, he said, Some people think the time for peaceful action is over and we should go on to acts of sabotage. But I think the better attitude is one of passive non-cooperation. Song had been warned in mid-June that he was on a wanted list.

CSANG Jin, a treasurer of Beijing University's Independent Student Union, is reported to have been arrested. Neither the date and place nor the circumstances of his arrest are known. Chang was a geography student at Beijing University.

ZHANG Ming, 24, from Jilin City, Jilin, a student at Qinghua University's Department of Automobile Engineering, was arrested in Shenzhen in September, according to a report in the Hongkong newspaper Kina Pao (September 14, 1989). The article quotes sources in Shenzhen, but Asia Watch has not been able to confirm the report independently. Zhang Ming was on the 21 most wanted list issued by Chinese authorities in June.

YANG Lang, vice-director of the reporters section of Zhongguo Oinanian Radio, has reportedly been arrested (Zheng Kinq, October 1989). Yang is alleged to have led the United Association of Capital (Beijing) Intellectuals and to have been a key organizer in rallying support for the student movement.

HU Ji, a history professor at North-West University and author of two books on Shaanxi history was arrested on September 16, 1989, according to a report in the Hong Kong newspaper Ming Pao. Hu was said to have given speeches in Xin Cheng Square in Xibei supporting the students. There is no official confirmation of his arrest.

ZHANG Cai, a student in the College of Management of Fudan University, Shanghai, was arrested on June 11 by the public security bureau, while trying to flee Shanghai under the escort of the third secretary of a certain foreign consulate, according to a lengthy article in Shanghai's Jiefanq Radio of September 7, 1989. He has apparently given lengthy confessions which form the basis of the newspaper article, detailing the activities of the Self-Government Union of College Students (SGUCS). Several other students and teachers are mentioned as having taken active roles in the demonstrations organized by SGUCS but it is not clear whether they have also been detained. Their names are YE rtaoqiang, a young faculty member; and GO Gang and 12 Guangdou, graduate students in journalism at Fudan University.

Several students and intellectuals, including two known to be detained (Liu Xiaobo and Zhou Duo: see index), are quoted in a Xinhua article of September 18, 1989, entitled Witnesses Report No Deaths at Tiananmen Square. The article says it interviewed one of the witnesses, singer Hou Dejian, at his home. No location is given for the other interviews and the context suggests the individuals may either have been interviewed in prison or the quotations were taken from confessions. Those quoted include GAO Xin, one of the last hunger strikers; SONG Song, a surgeon of the Beijing Union Medical College Hospital; SHAN Gangzhi, a urologist on duty in Tiananmen Square; ZOU Ming, Engineering and Physics Department, Qinghua University; DAI Donghai, student in the Department of Thermo-energy, Qinghua University; LIU Wei, Chemical Engineering Department, Qinghua University; ZHAO Ming, member of the preparatory committee of the autonomous student union at Qinghua University and student of the Department of Engineering and Physics.

GAO, a political activist arrested in June for his leading role in the prodemocracy movement, was released around December 20, 1989 (Reuters, January 9, 1990). A former lecturer at Beijing Normal University, Gao reportedly received very bad treatment during the 6 months he was detained in a prison near Beijing. According to a Reuters source, He was made to confess his mistakes and express the Communist Party's opinions about what the protests represented and what happened in June. In support of student demands, Gao and three others began a new strike on June 2.

LONG Xiangping, a teacher of English in the foreign languages department of Xiangtan University, Hunan, was arrested some time before mid-August on account of her involvement in the pro democracy movement there, according to an Asia Watch source. Age 35–36, married and with one child, she had participated in student protests and tried to organize strikes in factories.

Asia Watch sources report the arrest recently of 11 Nanyou, an editor at the World knowledge Publishing House in Beijing; LIU Di, former editor of the unofficial journal Beijing Sprina, which appeared during the 1978–81 Democracy Wall movement; LU Jiamin, an official in the All-China Federation of Trade Unions; and JIN Yan, an employee at the Children's Film Studio, who was arrested in Canton after the government had secretly videotaped her making a 1-hour public speech protesting the June 4 massacre.

According to an Asia Watch source, CHEN Dali, an instructor in the history department at Chengdu University and a leader during the student demonstrations in Chengdu, was arrested after the June 5–6 conflict and killings by the authorities there. No additional details are available.

Seven people were tried in Kunming, Yunnan on September 16, 1989 on charges of having fomented a counter-revolutionary plot, according to the September 28 edition of the Yunnan Daily. It named the leader of the group as SHI Ying, 27, and said that on June 9, Shi had gone to the town of Zhuzhou in Hunan Province where he gave a public speech at the train station, denouncing the military assault in Beijing. He then went to Kunming to take part in agitation, according to the report. He and three other codefendants, SHANG Jingzhong, YU Anmin, and JI Kunxing, decided to found a counterrevolutionary party; they then established an underground magazine called Pioneers, circulated anti government leaflets and put up counterrevolutionary posters, according to the article (FBIS, October 5, 1989).

Reuters reported on October 11 that a peasant had been jailed in Canton for blocking traffic and demonstrating in early June under a banner that read Workers of Canton. He was sentenced to 5 years, but his name was not mentioned.

Five people were sentenced to imprisonment by the Xi'an People's Court on September 23–24, according to reports in the Hongking newspaper, Ming Pao (September 26). All were accused of taking parts in riots in Xi'an on April 21 and 22, 1989. According to the Xi'an Evening News (Xi'an Wanbao, September 22, 1989), those convicted were FENG Shuangqing, a worker at a pharmaceutical plant in Xi'an; YU Yong, a worker; LIU Gang, identified as an unemployed worker; and ZHAO PiNg, a peasant. The name of the fifth is not known. LIU Gang, not to be confused with a student leader of that name who is also under arrest, was sentenced to life imprisonment, according to the paper.

ZHENG Xuguang, 19, a student at the Beijing Aeronautics Academy and a native of Mi district in Hunan Province, was arrested, probably around August 11, 1989 in Guangzhou (Canton). ZHENG, one of China's 21 most wanted student leaders, was reportedly attempting to leave the country.

LI Hongyu, a psychology student at Beijing Normal University, was taken into custody in Chengdu, Sichuan, on July 30. A Reuter report said that police officers uncovered 216,000 yuan or $58,000 that had been donated to the Autonomous Union of Beijing Universities. The cash was said to have been hidden at her boyfriend's home. It had reportedly been given to Li Hongyu by one of the students on China's 21 most wanted list, LIANG Qingtun, another psychology student. His fate is unclear. LI Hongyu was taken to Beijing from Chengdu on August 6 for investigation, according to the Reuter dispatch.

LIN Shengli, ZHANG Wei and LIU Feng, all students from Henan Province, were arrested August 11, 1989 by the Zhengzhou City People's Procurate, according to a Henan Radio broadcast on August 22 (FBIS, August 23, 1989).

Lin, 21, was a law student at Zhengzhou University and one of the founders of both the Zhengzhou City College Students Autonomous Federation and the Zhengzhou University Autonomous Federation, according to the broadcast. Both organizations have been declared illegal. The Radio report said Lin organized a massive demonstration in Zhengzhou on May 22 and the next day was in charge of squads of students which stopped trains at a city railroad station. He then, according to the report, set up a Radio station called the Voice of Democracy at Zhengzhou University. On June 4, he led students to factories around zhengzhou, delivering counterrevolutionary speeches and urging workers to strike. He was detained on June 13 (though not formally arrested until 2 months later) while distributing reactionary leaflets at the Xinan County Hotel.

Zhang Wei, 22, was a freshman in the journalism department of Zhengzhou University. On June 5, the day after the crackdown in Beijing, according to the Radio report, he gave inflammatory speeches at Erxi Pagoda in Zhengzhou together with a law student named Yang X. The following day, Zhang set up a temporary Radio station and broadcast reports such as What Really Happened in Beijing and news from the Voice of America. This Voice of Truth station continued for 3 days. Then on June 9, he and Yang X put up posters throughout Zhengzhou University campus slandering principal party and state leaders. Zhang was detained on June 22; it is not clear what happened to Yang X.

Zhang Wei and Lin Shengli have been charged with counterrevolutionary propaganda and inflammatory delusion. ·

Liu Feng, 19, was a second-year student in public health at Henan University of Medicine. A native of Jiaozuo City, he was accused of organizing demonstrations and taking a leadership position in the Zhengzhou College Students Autonomous Federation. The Radio report said he led hundreds of students in Zhengzhou to travel by bus to Tiananmen Square and helped organize the Henan students there. Back in Zhengzhou on June 6, he organized more than 300 students in a seige of the University of Medicine's administration building, the Radio report said. In the course of the seige, the assistant to the president of the college was wounded in the head. Liu was charged with counter-revolutionary propaganda, inflammatory delusion, and disturbing public order.

LI Dejun, 25, was arrested in late July in Benxi County, Liaoning Province on charges of counterrevolutionary instigation, according to a report in Liaonina Radio (July 20, 1989). Li, a teacher at Canhekou Peasants Middle School in Benxi County, reportedly sent letters to 13 different colleges and universities and on May 18, put up a big-character poster at the Caohekou railroad station saying, Support the petition of college student hunger strikers. The report said he incited workers and peasants to work with the students to establish a multi-party system in China. It also said he energetically advocated bourgeois liberalization, lavished praise on Fang Lizhi and others, and viciously attacked party leadership.

XIANG Dayong, a Beijing University student, was arrested for organizing a July 23, 1989, demonstration on campus, according to Amnesty International. The demonstration was attended by more than 300 students to mourn those killed as a result of the June crackdown.

Three students, CHEN Liangru, CHEN Yonghong and WANG Guangxin were sentenced for armed robbery by the Miyun County Court, Beijing (Beijing Wan Bao, July 20, 1989). All three joined the democracy movement in May and were arrested on May 25. Chen Liangru was sentenced to 10 years; the other two received 8 year sentences.

MA Lianggang, described in an Anhui provincial radio broadcast on July 29, 1989, as a key member of the Hefei Independent Students Union was arrested in Haikou, Hainan. The date of his arrest is not clear. (FBIS, July 31, 1989)

LI Cuiping, secretary-general of the Beijing Self-Governing Union of College Students from Other Regions and Provinces, was arrested in Baoding in Hebei, south of Beijing, according to the July 12 edition of Hebei Radio.

TAO Yongyi, director of the propaganda department for the Beijing Self-Governing Union of College Students, was arrested in Kengcun Hui Nationality Autonomous County. The date of his arrest, also reported in Hebei Radio, is not clear.

LIU Jinliang, CUI Guoxin, JIAHG Zhu and WANG Shuangqing surrendered to public security bureaus in Nanpi, Huanghua, Luanping and Hengshui respectively (all in Hebei Province), according to Hebei Radio (July 11, 1989). All had been involved in illegal organizations either in Hebei or in Beijing, according to the newspaper.

CHEN Peisi, a noted comedian, was arrested around July 25, 1989 for involvement in the democracy movement (Press Freedom Herald No. 5, July 27, 1989).

QIN Weidong, arrested sometime before July 6, was a leader of a student self-governing union organized by Beijing Medical University, according to a report in Hebei Radio (July 12, 1989).

Amnesty International in its document ASA 17/64/89 has reported the arrests of several members of the Sichuan Academy of Social Sciences in Chengdu including G Zhilin, 35, a researcher and editor; Do Qiusheng, 38, and LI Jing, 33, researchers in the Institute of Philosophy and Culture; and LI Zino\eng and G Chenghong, researchers.

XU Chong, general secretary of an independent students' union in Anhui Province, was arrested in a hotel in Nanjing, the provincial capital of Jiangsu, according to the July 22, 1989 Xinhua Daily. He was among 3,782 people arrested in the 3-day period July 13–15 in Jiangsu, according to that report.

Public security officials who made the arrests reportedly uncovered $1,000 which, according to the same report, had been hidden by CHENG Mingxia, a student leader, who was said to have been arrested earlier in Beijing.

LI Guiren, editor-in-chief of the state publishing house, Huayue, in Shaanxi Province was arrested for trying to organize a strike of publishing house employees, according to leqal Weekly, a journal published in Shaanxi. He called a meeting the day after the military crackdown in Beijing, urging workers to sign a protest declaration and go on strike. He was also accused of organizing four demonstrations during the month of May and of writing slogans calling for the removal of Li Peng and Deng Xiaoping: rne date of his arrest is not clear.

YE Wenfu, a poet and army officer, was a signer of the May 16 declaration issued by the Beijing Union of Intellectuals which called on the government to accept student demands. The date of his arrest is not clear. The Hong Kong paper Mina Po (July 20, 1989) reports that he has undergone torture and has tried to commit suicide but these reports are not confirmed.

YU Haochang, director of the legal Institute of the Capital Iron and Steel Institute and former director of the public security bureau-linked Mass Publishing House, was one of 12 intellectuals who made a public appeal to the government to declare the student movement a patriotic democracy movement. He is reported in custody, but the date of his arrest is not clear. His name is included on a list of about 40 names drawn up by the Politburo of Zhao Ziyang supporters who were collectively termed the Anti-Party Coalition, according to a report in the South China Kornina Post of May 27, 1989.

ZHENG Yi, a writer in his 40's who signed the Kay 16 declaration noted above, is believed to have been arrested during the first week of July. A native of Taiyuan, Shanxi Province, he was reportedly preparing a report on the student movement and had collected voluminous materials which are believed to have been confiscated. He was a frequent contributor to People's Literature and Literature Monthlv and was a board member of China's Writers' Union.

KE, Yunlu, a writer, is reported in custody; no further information is available.

BAO Tong, 56, a senior adviser to Party Secretary General Zhao Ziyang, may have been arrested several days prior to June 3. He had been head of the Communist Party's Political Reform Research Center since January 1988 and was a member of the Central Committee. He is identified with the reformist views of his mentor, Zhao Ziyang, but rejected Western-style democracy as irrelevant for China, according to an article in the Asian Wall Street Journal (December 26, 1988).

YANG Guansan, head of the Social Survey System at the Research Institute of State System Reform, an institute associated with Zhao Ziyang, is reported arrested, together with GAO Sban, deputy director of the Political Structual Reform Research Center of the Communist Party. GAO Shan, according to Beijing Mayor Chen Xitong's June 30 speech to the National People's Congress Standing Committee, took part in a meeting on May 19 which called for an emergency meeting of that Committee in light of a decision of the Politburo to impose martial law. WU Wei, bureau chief of the same research center, is also reported to be in custody.

WANG, Luxiang, a prominent signatory of the May 16 declaration, who was also involved in producing the controversial television series River Elegy (He Shang), has been arrested, according to a UPS July 6 report. River Elegy depicted China as being subject to periodic political upheavals like the ebb and flow of the Yellow River, and it highlighted the differences between the transparency of democracy and the opacity of autocracy. The series main author, SU Xiaokang, is known to have escaped.

BAO Zunxin, another leading intellectual is believed to have been arrested shortly after issuance of the secret warants, according to Chinese sources. He was a magazine editor and associate research fellow at the Institute of Chinese History under the Chinese Academy of Social Sciences.

CAO Siyuan, a senior advisor to Party Secretary General Zhao Ziyang and the director of Stone Corporation's Institute for Social Development Research, was arrested on May 30. Cao had been activein calling for an emergency session of the National People's Congress to be convened, in order to overturn the imposition of martial law.

ZHOU Duo, 42, an economist with the Stone Corporation, China's largest computer firm, was arrested on July 10, according to Asia Watch sources. t the time of his arrest, he was head of two departments in Stone, the Strategic Planning and the Public Relations Departments. Prior to his joining Stone, he had been a lecturer in the Economics Department of Beijing University and before that, had taught at the cadre training institute of the Communist Youth league. Several senior staff of Stone have been either arrested or have fled into exile. The Institute for Social Development Research of the Stone Corporation is accused of having led a petition drive to call for an emergency meeting of the Standing Committee of the National People's Congress following the declaration of martial law on May 20, 1989. A letter of May 21 containing the names of 57 Committee members said that the will of the people should be reflected through legal procedures. According to one account, the May 21 letter also called for the dismissal of Li Peng.

LI Jiangfeng, 21, a student at the Beijing Iron and Steel Institute, was arrested on June 15 in Hebei and accused of being a leading member of the Autonomous Federation of Beijing College Students. Taken into custody by the Qinhuangdao City public security bureau, he was accused of burning six military vehicles in Beijing. Hebei officials turned him over to the Beijing public security bureau.

liu Fuan, a student in the department of basic science at Beijing Medical University, was also arrested in Hebei by the Zhangjiakou City public security bureau. The arrest took place some time in mid-June. He reportedly made a confession, according to Hebei Radio (June 17, 1989) but the specific charges against him are not clear. He is said to have been a leader of the student movement in Beijing.

DAI Qing, China's best-known woman journalist who wrote a regular column for Guancmina Radio, a Beijing daily popular among intellectuals, was arrested on July 14, 1989, her apartment ransacked, and manuscripts and articles confiscated, according to press reports from UPI and Reuter. Since her arrest, Dai has been ordered to write a detailed account of her activities in connection with the democracy movement. What she has written to date is said to have failed to please her interrogators.

Dai was originally reported held incommunicado in a maximum security prison near Beijing. However, she recently was permitted a visit to her ailing father-in-law in a Beijing hospital, sources close to the family reported (South China Mornina Post, December 7, 1989). She was escorted to and from Qincheng prison by two guards and has not, as previously rumored, been released, paroled, or placed under house arrest. An appeal for her early release by the current Guangdong governor, who is the son of Dai's stepfather, the late Karshal Ye Jianying, was unsuccessful.

Dai, in her early 40's, made her reputation publishing censored information such as the story of the repression of Trotskyite cadres in the 1950's, and was involved in numerous literary publications. She helped rally other journalists to the support of a popular Shanghai editor, Qin Benli, when he was fired from his job at the World Economic Herald by the Shanghai party chief in April 1989. At one stage during the student demonstrations in Tiananmen Square, just prior to the visit of Soviet President Gorbachev, Dai went to the square to persuade students to leave because she feared a government crackdown.

Dai was named in Beijing Mayor Chen Xitong's June report listing intellectuals and activists considered by authorities to have engaged in serious anti-government activity. She has been accused of slandering the government and belonging to an illegal organization. Activities for which she has been criticized include signing an appeal in the May 15 Guanomina Daily asking the government to recognize the legality of the student movement, and her June 4 resignation from the Communist Party. In February, Dai attended the banquet President Bush gave in Beijing.

YANG Wei, 33, a graduate student in biology at the University of Arizona, was arrested on July 18. He had returned to China in late 1986 from the United States and was arrested in January 1987 for his alleged role in student demonstrations which broke out in December. He was also accused of involvement in the United States based organization, Chinese Alliance for Democracy, which publishes the journal China Snrina and is believed to have funding from Taiwan. Sentenced to two years in prison, he was released in January 1989. His political rights had been suspended for a year, however, and he was unable to return to the United States to continue his studies. The government news agency reported on July J8 that he refused to show penitence after his release and continued to incite students to oppose the government.

YANG Shu, a reporter for the People's Daily, is also reported under arrest, although the date of his arrest is not clear. According to an Asia Watch source, he wrote a special edition of the paper after the executions of three workers in Shanghai (June 21) describing the Politburo meeting during which Communist Party Secretary Zhao Ziyang was removed from office.The edition was photocopied and circulated, although it was never actually printed. Zhang and six printers from the paper were reportedly arrested for blocking military vehicles.

YANG Fang, an engineering student from Hefei in the mechanics department of Anhui Engineering Institute was arrested sometime in early July for counterrevolutionary dissemination and incitement, according to a Hefei provincial radio broadcast (FBIS, July 10, 1989). The radio report said he was chairman of the Student Self-governing Union of the Institute and a member of the provincical autonomous student federation in Hefei. He was allegedly responsible for organizing a boycott of classes at local universities, taking part in underground meetings and setting up road barricades to block traffic. According to a UPI report, the broadcast accused him of setting up a Radio station called Voice of the People which, following the June 4 crackdown, broadcast Voice of America and various speeches that he personally recorded at Tiananmen Square, over speakers set up outside the city government building in Hefei. He was also accused of distributing pictures of the alleged military crackdown. The Hefei Public Security Bureau has charged him with counterrevolutionary propagation and instigation

LI Xiaohua and ZHU Xiaotong, both amateur writers, were arrested in mid-June, according to an Asia Watch source. Both were linked to the army. Li, about 35, was an editor of the People's Liberation Army Literature Publication House in Beijing and the winner of a national poetry award in 1988. He is believed to have been arrested in Guangzhou on June 12 after fleeing there from Beijing. Zhu was a young writer who used the pseudonym of Zhou Jiajun. He was a student at the University of Wuhan but was also affiliated with the 164th infantry battalion of the 55th army. He is believed to have been arrested in Wuhan.

WANG Zhengyun, one of the students on the government's 21 Most Wanted list is reported by Agence France Presse to have been arrested sometime during the week of July 10. The arrest has not yet beenconfirmed by official sources. Wang, 21, is a native of Yunnan and a student at the Central Institute of Nationalities in Beijing. He is a member of an ethnic minority.

WANG Yan and YANG Baikui, associates of wanted political scientist Yan Jiaqi who has escaped from China through Hong Kong, were arrested probably around July 4 or 5.

LI Hui, a student leader, was arrested in June in Tianjin along with 45 others and accused of being a counterrevolutionary rebel. According to a report in the Tianiin Radio (June 17, 1989), Li was turned over on June 15 to the Beijing Municipal Public Security Bureau. The report termed Li the general commander of the west line of Tiananmen Square under the Beijing Self-Governing Union of College Students and said he had taken part in blocking military vehicles. It said he organized a propaganda team to go to Jinan and Wuhan to stage counterrevolutionary instigation. On June 6, 1989, the report continued, Li and seven others arrived in Tianjin and began distributing leaflets about the true situation of the June massacre.

According to a recent report in the South China Morning Post (October 25), WANG Dan, one of the top student leaders of the prodemocracy movement in Beijing, is still alive and reasonably well. A friend of Wang's has reportedly received a postcard from him, urging the friend to keep up the effort. Wang was arrested on July 2 after meeting a Taiwanese journalist to ask for help in fleeing from China. Widespread fears were subsequently expressed that he had been badly beaten or even tortured to death in prison. Wang, 22, is a native of Jilin Province and a history student at Beijing University.

Arrested with Wang was Peter T.P. HUANG, also known as HUANG Teh-Pei, a Taiwanese reporter for the Independence Evening Post in Taibei. Huang has since been released. He had reportedly just returned from a meeting with Wang, when he was picked up in front of his Beijing Hotel.

WANG Tang, Peter Huang's driver, was also arrested but has since been released.

LI Honglin, 63, a research fellow at the Fujian Academy of Social Sciences, was arrested at his home in Fuzhou, Fujian on July 6, 1989 according to the organization Human Riahts in China. Ten armed police reportedly came to the house about 12 noon with both arrest and search warrants issued by the Public Security Bureau of Fujian Province. Officials at the Public Security Bureau refused to give the family information on where Li was being detained, saying they did not know. LI had been an advocate of political and economic reforms and is the author of The Storm of Theory, summarizing the debate on socialism in China, and Isms in China. He had been head of the Research Institute of the History of the Chinese Communist Party at the Chinese History Museum &nd had been deputy director of the Bureau of Theory in the CCP's Propaganda Department. He was briefly president of the Fujian Academy of Social Sciences but resigned during the Anti Bourgeois Liberalization Campaign of 1986–87. He was one of 42 intellectuals who signed a letter to the Central Committee of the Communist Party on February 26, 1989 calling for the release of political prisoners.

ZHANG Chaug, a former student of Zhejiang Medical College, was arrested on June 15 by the Hangzhou City Public Security Bureau. According to a report on Hangzhou Radio (June 23, 1989 reported in FBIS on July 3) Zhang had been expelled from the college on theft charges but stayed on campus and became head of the autonomous student union there. According to the radio, he went to Beijing and returned with reactionary propaganda material, made speeches and orchestrated attacks on railway stations and the blocking of trains. He is among 151 persons from 18 illegal organizations arrested thus far in Hangzhou, Ningbo, Wenzhou and Jinhua.

SAI Nansheng, Deputy Director of the Social Research Office of the Rural Development Research Institute, was reported arrested by UPI on July 10, 1989. His brother, BAI Nanfeng, an economist at the Research Institute for Reform of the Economic Structure, is also reported arrested. Individuals from both institutes had been implicated in a move to call an emergency session of the Standing Committee of the National People's Congress to abolish martial law.

SUN Changjiang, chief editor of Beiiinq Keii Radio, was arrested on June 14, 1989 (Zhenq Minq, October 1989).

WU Jiaxiang, a member of Anhui Province's central committee, was reportedly arrested on July 17, 1989; there has been no further word as to his whereabouts. Wu, formerly associated with ousted Party Secretary-General Zhao Ziyang and his close advisor, Sao Tong (now arrested, has been credited with applying Samuel Huntington's new authoritarianism to China. This theory would have provided a structure for centralizing power in the hands of one person.

The playwright WANG Peigong, 45, has been arrested in Guiyang (date not clear) according to the July 3 edition of Wen Wei Po. There has been no official confirmation of his arrest. Wang wrote a play called WM about the Cultural Revolution and had publicly renounced his membership in the Communist Party to show support for the democracy movement.

YUAN Chihe (who also apparently goes by the name Tasu), 23, the alleged chief director of the Beijing Self-Government Union of College Students of other Provinces, reportedly surrendered himself to the Baotou City Public Security Department on June 20.

WANG Shunfeng, 21, a student at Beijing University, and QIAN Shitun, described as core members of the same organization were also arrested on the same day. On June 21, Yuan and Wang were reportedly turned over to the Beijing Municipal Public Security Department for further investigation. Yuan, a student at the Baotou Teachers Training School, has been accused of having incited, organized and directed students who came to Beijing from other provinces to engage in demonstrations, sit-ins and strikes. He was also reportedly interviewed by foreign reporters at Tiananmen Square, and after returning to Baotou, he allegedly continued to spread rumors and to incite students to go on strike, engage in demonstrations and other illegal activities.

WANG is accused of having once served as the chief director of a group of demonstrators from Beijing University1 and was chief director of the hunger strike group of Tiananmen Square and chairman of the Tiananmen Square financial department. He was allegedly responsible for organizing and directing illegal student demonstrations, sit-in demonstrations, and hunger strikes. No biographical information or details &bout the charges against QIAN were reported. (Hohhot Inner Mongolia Regional Service, 23 June, in FBIS, June 27.)

Forty-four people were reported arrested in Hebei province. 150 Jian1 a Standing Committee member of the Self-Government Union of Beijing College Students, and 150 J1an1i1 ruffian, were arrested on June 15 by the Xianghe County Public Security Department. JI Funian, a leader of the Self-Government Union of Beijing Citizens in charge of logistics; G zhigang1 a key member of the same organization; and three others (unnamed) were arrested on June 15 by the Xushui County Public Security Department. oANG Jia, head of the picket team of the Self-Government Union of the Beijing College Students was reported arrested on June 16 by the Shahe City Public Security Department.

YANG Yijun, 21, accused of setting ablaze 21 military vehicles during the counterrevolutionary rebellion in Beijing was arrested by the Qinhuangdao City Public Security Department on June 15. He was a student at a college associated with the Beijing Shoudo Iron and Steel Company and lived in Kachangdian village, Niutouya township, Funing County. He had fled to Hebei Province after June 4 and was turned over to the Beijing Public Security Bureau after his arrest.

MENG Jinquan, 22, accused of burning seven military vehicles and raping a woman during the counterrevolutionary rebellion in Beijing, was arrested by the Wanzhuang Security Inspection Station of the Langfang City Public Security Department on June 15 (Beijing Domestic Service, 20 June; in FBIS, June 27).

ZHONG Zhangino, ZHANG Jianhinu, and fourteen other staffers (unnamed) of the Harbin City Student Self-Government Federation of Higher Educational Institutions reportedly surrendered themselves to the Harbin City Public City Bureau as of June 23. They reportedly handed over the stamps of their unlawful organizations and presented the facts of unlawful activities committed since 15 Kay with regard to organizing students in higher educational institutions in Harbin City to strike and conduct street demonstrations, conduct petitions and set up road blocks in order to block workers from attending their production sites (Harbin Heilongjiang Provincial Service, June23 ; in FBIS, June 27).

ZHOU Guijin and ZHI Chengyi reportedly registered themselves with the Public City Bureau of Shenyang City on June 22 and June 21, respectively. Zhou, 24, a student at the Shenyang Teachers Training School, is described as a member of the Shenyang City Autonomous Federation of College Students and general director of the ttillegally-organized Patriotic Society of Shenyang Teachers Training School. He reportedly directed a group of people to block traffic and roads on June 4, in order to prevent workers from getting to their jobs. On June 7, he also organized a group of people to go to the Shenyang airplane manufacturing company and the Shenyang nstrUment-making company to block the workers' route to work. Zhi is described as having been a liaison of the Shenyang City Autonomous Federation of College Students and vice chairman of an illegal organization of the China Medical College. He reportedly accurately confessed tohis illegal activities (Shenyang Liaoning Provincial Service, June 23; in FBIS, June 27).

ZHAO Yiqiang, a teacher at Beijing Medical University, together with his wife and a graduate student at the university, were arrested in Zhangjiakou, 150 miles northwest of Beijing. They had reportedly assisted students involved in the hunger-strike (Kyodo, 23 June; in FBIS, 26 June).

LIU Jingang, a major participant in the prodemocracy movement, was arrested at a relative's home on June 10 by the Laoling City Public Security Bureau (Jinan Shandong Provincial Service, 22 June; in FBIS, 23 June).

LIU Jianqiang, GUO Yonggang, and GONG Hui, natives of Beijing Municipality and major participants in the prodemocracy movement, were arrested on June 15 at the Dezhou railway station (Jinan Shandong Provincial Service, 22 June; in FBIS, 23 June).

YU Fangqiang, a student of the Beijing Science and Engineering University, and a major participant in the movement, was arrested in his native city of Xintai on June 17.

PAN Qiang, a leader in the Self-Government Union of Students of Colleges Outside Beijing, was arrested at Shandong University on the evening of June 20. PAN, a graduate of Shandong University's Foreign Literature Department, is reported to have led Shandong University's supporting group to Beijing on May 18. He is also reported to have served as a member of the liaison command of the colleges of Shandong Province, and has been accused of participating in and plotting the counterrevolutionary riot (Jinan Shandong Provincial Service, June 22; in FBIS, 23 June).

MA Shaohua, a native of Sichuan, was a student at the Chinese People's University, and a Standing Committee member of the Beijing College Students Autonomous Federation. He was arrested on June 16, in Zhigong Village of Baitian Township. He was reportedly in Possession of reactionary propaganda at the time of his arrest (Changsha Hunan Provincial Service, 19 June; in FBIS, 20 June).

Two students of the Shanghai University of Science and Technology who were leaders of the Shanghai Self-Government Union of College Students, registered themselves with the Public Security Bureau in Jaiding County on June 14. WANG Hongming, 24, is in the University's Department of Precision Mechanical Engineering. SONG Mitu, 31, had graduated from the University in 1982 and is currently a graduate student in the Department of Radio (Shanghai City Service, June 16; in FBIS, 20 June).

ZHOU Chifeng, liaison officer of the Sit-in Command at Tiananmen Square who had also been interviewed frequently by a New York Times reporter, was arrested by the Changchun City Public Security Bureau on June 12. He had been in hiding in Changchun, and was turned in to authorities by the Changchun Architecture College.

The same news dispatch reported that a student, unnamed, of the Jilin Industry University, who was head of the Organization Department of the Beijing Self-Government Union of College Students from Other Cities, recently turned himself in to public security organs and confessed to his activities in Beijing (Beijing Domestic Service, 21 June; in FBIS, 21 June).

As of June 15, 16 members of outlawed student and worker organizations in Nanjing were reported to have turned themselves in to the authorities. Those named were: HUANG Yongxiang, a Standing Committee member of the Autonomous Union of Nanjing Students and a post-graduate student of Nanjing University; and rv Jianlin, deputy commander-in-chief of the solidarity group in the north and a student of provincial Institute of Business Management Cadres (Beijing Domestic Service, 16 June, in FBIS; 21 June).

According to the same dispatch, two others were arrested. WANG Yang, Standing Committee member of the Autonomous Union of College Students and a student of the Nanjing Institute of Mechanical and Electrical Engineering, was arrested on June 14. WANG Bin, a member of the Autonomous Union of Beijing College Students was reportedly detained by the Public Security Bureau for interrogation, after he was discovered to be carrying reactionary leaflets and to have tried to establish illicit ties in the Hehai University.

JING Wenqian (wrongly given as Jing Wenging in Update, November 15), secretary of the Beijing Autonomous Students Federation and a graduate student of the Beijing Teachers Training University, has been tried and sentenced to between 3 and 5 years. According to an Asia Watch source, Jing, 26, arrested on June 15 for inciting people to intercept, burn and smash 31 military vehicles near the (Majia) Overpass in the Haidian Distiuct in Beijing, was originally held in Paoju Hutong Detention Center. GUO Luxiang, a student at the Department of Geology of the Beijing University, and JIANG Xiaodong, a student at the Beijing University of Science and Technology, arrested in Feicheng County on June 15 and escorted to Beijing on June 18, was nccused in the same case. Jiang lived in the No. 7450 Plant in Feicheng and last year was admitted into Beijing University from the Feicheng No. 1 Middle School (Jinan Shandong Provincial Service, June 19, 1989, in FBIS, June 21).

On June 23, security officers arrested 17 students and teachers from several Beijing universities, including four from the Beijing Film Institute, ten from the Beijing Normal College of Physical Culture and one from the College of Politics and Law. There were reportedly warrants for 17 others. Their names have not yet been publicly announced.

LIU Xiaoqu, 27, and 10 Zbinrin, 29, two women accused of being involved in the democracy movement, were arrested at Beijing Airport sometime during the week of June 19 as they were preparing to board a plane for Paris. They were reportedly using passports that had been mailed to them from outside China, and a customs official spotted faked entry stamps (South China Morning Post, June 23, 1989).

WU Haizen, 34, a lecturer at the foreign language faculty of the Yunnan Education Institute, was arrested together with YANG Bong and WANG Cun on June 13 in Kunming, Yunnan for giving lectures attacking party and government leaders to students and workers. Wang Cun, 27, an accountant supervisor at the Kunming Jinglong Hotel, was accused of being head of propaganda for the Yunnan Students Federation. He did a lot of evil through his contacts with Hong Kong and other regions, according to the radio. YANG Bong, 36, a reporter of a Kunming paper Zhonqcuo Oinanian Bao, was charged with circulating rinmor-mongering leaflets and protesting against corruption (Kunming Radio in FBIS, June 16, 1989).

CHEN Yang, 22, a student at the Department of law in the Politics and law University in Beijing was arrested on June 15 in Shenyang, Liaoning Province. He was charged with being director of the Beijing Citizens Autonomous Federation. A radio broadcast in Shenyang on June 17 said he had helped organize a Dare-to-Die Corps, distributed reactionary leaflets and participated in counterrevolutionary rebellion activities. He fled to Shenyang on June 9, and was arrested at his home by the Heping District Public Security Sub-bureau (FBIS, June 19).

ZHANG Weiping, 25, and CUI Jiancheng, 26, students of traditional Chinese painting at the Zhejiang Arts Faculty, were arrested on June 18 in Hangzhou. According to a Hangzhou Radio report, Zhang was charged with incitement and counterrevolutionary propaganda for having telephoned Voice of America on June 6 to spread rumors that Hangzhou students were forcing the Zhejiang provincial government to lower its flag to half-mast in memory of the students killed in Beijing. The students apparently never succeeded in lowering the flag. In fact, they only succeeded in tearing it, according to the New York Times (June 21, 1989) which also suggested that Chinese security forces might have tapped the VOA line that Zhang called. Zhang was also accused of wantonly uglifying Chinese leaders by painting caricatures of them in late Kay, according to a UPI report. Zhang, reported to have confessed to all charges against him, was the first student known to have been tried since the crackdown began on June 4. He was sentenced on August 26, 1989 to 9 years in prison by the Hangzhou Intermediate People's Court.

ZHANG Lin, director of the Autonomous Union of College Students in Bengbu City, was arrested there on June 8, according to a Hefei, Anui Radio broadcast (June 14). He had attended Qinghua University in 1985, according to the report, but was assigned the same year to work at the Bengbu Knitwear Mill. He had been unemployed since resigning from the mill at an unspecified date. The Radio reported that he had established the Autonomous Union on May 19 at Bengbu Medical College and made an extremely reactionary speech on Kay 21. He also helped stage sit-ins and began a hunger strike on May 25, saying he wanted to turn Bengbu Medical College into acenter of democratic politics and to set up a human rights office at the college. He was said to have frequently traveled betweenBeijing and Bengbu beginning in March 1989. In a letter he wrote which was apparently confiscated by authorities, he wrote of his intention to make contact with dissident astrophysicist, rang Lizhi.

LIU Gang, 28, a physics graduate from Beijing University and one of the 21 Most Wanted student leaders, was arrested in Baoding, south of Beijing on June 19, while trying to buy a railway ticket, according to a UPI report. Local residents turned him in after noticing that he did not have calloused hands as would have been expected from someone who wore the worker's clothing he did.

A London paper reported the arrest of the young student who stood in front of a tank column as millions watched on television. WANG Weilin, 19, the son of a factory worker was reported to have been arrested by secret police and charged with political hooliganism and attempting to subvert members of the People's Liberation Army (London Exoress, June 18, 1989). According to the newspaper account, friends of the young man recognized him after state television showed a line-up of detainees with their heads shaved.

Several arrests were reported following the June 13 broadcast on state television of wanted posters for 21 leaders of the student movement. MA Shaofang, 25, a student at the Beijing Film Academy and associate of student leader Wuer Kaixi, reportedy turned himself in on June 17 in Canton. YANG Tao, 19, a history student at Beijing University, who was also on the most-wanted list, was arrested in Lanzhou.

On June 18, state television announced the arrest of LI Xiuping, a young woman student leader, and YANG Zhivwei, both of whom were reported to have been detained in Baoding. Both had taken part in talks between the State Council and the independent student movement, according to the Hong Kong Standard (June 19, 1989).

A political science professor, WAN Xinjin, turned himself in in Shandong, apparently on June 18; he had been a leader of the Beijing Residents Autonomous Federation.

Four student leaders including CHEN Weitung and LIU Jiaming were arrested in Zhangjiakou over the weekend of June 17-18, and six students from the Autonomous Union of Beijing Universities and Colleges were arrested in Beijing.

On June 14, state television reported the arrest the day before of CHEN Xuedong, a student leader in Nanjing, who organized several demonstrations, shouted reactionary slogans and wrote counterrevolutionary posters, according to the broadcast (UPI June 15, 1989).

XIONG Wei, a student on the 21 Most Wanted list reportedly turned himself in to the authorities on June 14 in the company of his mother. He had reportedly coordinated the medical teams helping those who staged the hunger strike in Tiananmen Square from May 13 until shortly before the crackdown.

Two other students on the most uanted list were arrested on June 13. ZHOU Fengsuo, 22, a physics major at Qinghua University was reportedly turned in by his elder sister and brother-in-law. He was arrested 90 minutes later by five policemen in Sanqiao, near Xi'an, and according to a UPS report, confessed that he was a member of the standing committee of the independent student union. Zhou had gone to Sanqiao from Beijing on June 7, according to one report (South China Morning Post, June 15, 1989).

XIONG Yan, 25, was a law student at Beijing University and was arrested on a train outside Datong, northeast of Beijing in Shanxi province. According to the South China Morning Post (June 15, 1989), he was one of a number of student leaders who had met with Premier Li Peng on May 18. At that meeting, be was quoted as saying, We believe, no matter whether the government does or not, that history will recognize this movement as a patriotic and democratic movement. The people want to see whether the government is really a people's government or not. The arrests were announced by the government-controlled media.

On June 12, a student named FANG Keo, 33, turned himself in to the authorities in the city of Wuhan. He was a doctoral candidate in philosophy at Beijing People's University, and was said to be a member of the Standing Committee of the Self-governing Union of Beijing College Students, according to Beijing television (FBIS, June 15, 1989).

The newspaper Renmin Radio (June 13, 1989) reported the arrest in Xi'an of several student leaders. MA Hongliang, a leader of the Shaanxi Provincial College Students Self-Government Federation and a student of the Xi'an Institute of Metallurgy, was arrested on June 7. A Xi'an radio broadcast on June 12 suggests that he was engaged only in peaceful protests, it said he had incited people against the provincial government, plotted to set up a radio station at Tiancheng Square in Xi'an to spread rumors and poison people's minds and instigated students and shopkeepers to strike. He had been active in Xi'an since mid- April.

Also mentioned by Renmin Radio as having been arrested were LIU Xiaolong, ZHU Lin, YD Yungang, LI Tao, PANG Xiaobin and WANG Jianjun, members of a Dare-to-Die Contingent from Xi'an. The latter group were arrested at midnight on June Il at a meeting in the Xingqinggong section of Xi'an City, according to the report. WEI Yongbin, another member, also was arrested (Amnesty International, 16 June release).

A liaison between students and workers named SBOD Shaowu was arrested on June 10 in Shanghai, according to a June 14 broadcast of Beijing television. A former worker in the Ningguo County Ferro-Alloy Plant in Anhui, Zhou had been active in the Self-Governing Union of Beijing College Students since May 18 when he had arrived in Beijing from Hefei. According to the broadcast, he had worked closely with another arrested student leader, Guo Haifeng. He left Beijing on June 2 but did not arrive in Shanghai until June 6 where, according to the report, he made contact with counterpart organizations there. Among his possessions was a proposal to establish a League of Democratic Parties (FBIS, June 15, 1989).

On June 10, Beijing Radio announced that GUO Haifeng, secretary-general of the United Association of Beijing Universities, had been arrested although the exact date of his arrest is not clear. The Radio said he was captured on the spot by the martial law enforcement troops while he and a gang of ruffians were trying to set fire to an Army unit's armoured vehicle. No other information about the circumstances of his arrest is available.

LIU Xiaobo, 34, is reported to have been arrested on Tuesday, June 6, when a man in plainclothes hustled him into a white car, according to eyewitness accounts. His arrest was only announced by the government on June 23. State radio, television and print media gave great prominence to the arrest and said Liu had close ties with Hu Ping, head of the United States based organization Chinese Alliance for Democracy which publishes the journal China Spring. A native of Jilin province, Liu was a graduate of Jilin University and had just finished his doctoral dissertation at Beijing Normal University on the aesthetics of Chinese literature. Prior to his arrest he was on the faculty at Beijing Normal University. A well-known literary critic, Liu is the author of several books and articles, and once wrote for the Shenzhen Youth Daily. In April 1989, while visiting the United States, he published an article entitled Contemporary Chinese Intellectuals and Politics in which he strongly criticized some of the older Chinese intellectuals. He returned to China in late April to take part in the democracy movement. Following the declaration of martial law, he and three other activists began a hunger strike on June 2 at the base of the Monument of Revolutionary Heroes in Tiananmen Square. In a proclamation issued at the beginning of the strike, the four stated, Through our hunger strike, we want also to tell the people that what the government media refers to as a small bunch of trouble makers is in fact the whole nation. We may not be students, but we are citizens whose sense of duty makes us support the democracy movement started by the college students.

CHEN Mingyuan is believed to have been arrested June 10 or 11 although an arrest warrant for him was only issued ten days later. He is a professor at the Foreign Languages Institute in Beijing and taught Chinese to many foreigners resident there. He is also a mathemetician and a poet. He was taken to the hospital with high blood pressure and was reportedly arrested in the hospital. Chen was born in 1941 in Chongqing, Sichuan. He was imprisoned during the Cultural Revolution while working for the Chinese Academy of Sciences, after a book of poems billed as the unpublished poetry of Chairman Mao turned out to be his work. He is believed detained at the central office of the Public Security Bureau in Beijing.

REN Wanding is one of the few activists from the Democracy Wall movement period (1978-79) to have taken an active role in the 1989 demonstrations. The founder of the China Human Rights League, Ren was denounced together with Wei Jingsheng as a non-Marxist when the crackdown on the Democracy Wall movement came in 1979. He was arrested and spent four years in prison, his initial sentence having been extended when he refused to make an acceptable self-criticism. In 1988, he wrote an article for the New York Times on the tenth anniversary of Democracy Wall, calling on activist students to speak out for those in prison on the business community to make any investment in China conditional on an end to suppression of dissidents. He is reported to have been arrested on June 9, about 8 p.m. His place of detention is not known.

WENG Zhengming, allegedly head of the China Youth Democrac Party, was arrested on June 10. A self-employed tailor, according to Beijing Radio, he had established the party as early as 19 arguing that an opposition party must emerge in China. After student demonstrations began in April 1989, according to the radio, Weng went to several universities around Shanghai to recruit members for the CYDP. He had membership registration forms printed up together with a party platform. The party ha been termed counterrevolutionary by the authorities.

LI Zhiguo was also arrested by the Shanghai Public Securit Bureau around the same time, according to Beijing Radio (FBIS June 12, 1989). Beginning in March, according to the radio, he established the Freedom Society through which he advocated th founding of a Kingdom of Greater Freedom. He sent letters comfort to troublemaking students in various localities and instigated them to fight the reactionary government to the en According to the report, he also urged that a military camp b set up, and created a national flag, emblem, flower and curre for the new kingdom.

ZHU Wenli, 22, unemployed, was arrested in Shenyang, Liaon on June 12, according to Liaoning Radio. He was captured by a staff member of the Heping Hotel in Shenyang after he tried t register at the hotel with a false identity card. The chief o the reception desk called security officials who found mater for propagating counterrevolutionary rebellion in his bag. According to the Radio broadcast, he served as head of the so section of the Students Self-Governing Union of Beijing Colle He lived at the Tonghe Forest Farm in Weike Forest Bureau, Heilongjang Province.

YAO Yongzhan 19, a student activist from Hong Kong, was arrested on June 11 at Shanghai Airport as he was getting rea to depart for Hong Kong on a Civil Aviation Administration oz China (CAAC) flight. He was detained at the passport control section of the airport by about eight security officers, both uniformed and in plainclothes. British consular staff who accompanied him to the airport did not receive any response t their inquiries about his whereabouts or the charges against According to Reuter, Shanghai Radio accused him of being the leader of the outlawed Autonomous Union of Shanghai College Students and said he was under investigation for violating I laws, including carrying banned material. He was a first year student in economics at Fudan University (South China Morning Post, June 13, 1989). His arrest was not officially acknowledged by Chinese authorities until July 28. He has been charged with counterrevolutionary propaganda activities aimed at inciting the public and will stand trial as a Chinese national.

Yao was born on February 16, 1970 in Shanghai. He finished elementary school in 3 years and began high school when he was 12. In 1982 after mainlanders were allowed to settle in the British colony, he and his father moved to Hong Kong to live with Yao's mother. Yao was sent to private school, but after a year, he returned to Kongjiang High School in Shanghai, graduating in 1986. Yao took the college entrance exams of China's seven specialized universities and was accepted at Fudan University's Management Science program when he was 16. He transferred to the economics program in 1988.

He should have returned to Hong Kong either in June or July 1989 to complete the formalities to qualify as a Hong Kong belonger, a bonafide resident of the colony, but his arrest prevented him from doing so and he is being treated by Chinese authorities as a Chinese national.

The governments of Great Britain and Hong Kong have contacted Chinese authorities, urging Yao's immediate return to Hong Kong and warning against any maltreatment.

Neither Yao's father, Yao Wentian, a senior worker at a Tsuen Wan factory in Hong Kong, nor his mother have been allowed to see their son.

GUO Yunjun, a journalist working for the Law Daily is reported to have been arrested in Beijing. The arrest has not been confirmed by Asia Watch.

A journalist, GAO Yu, vice-chief editor of Economics Weekly, is reported by reliable sources to have disappeared after June 4. She is thought to have been arrested by the authorities, rather than killed.

ZHANG Weiguo a journalist for the World Economic Herald in Shanghai, was seized on June 20 and formally arrested September 20, 1989 on charges of counterrevolution. He is believed held incommunicado at No. 1 Detention Center in Shanghai. Zhang reportedly undertook a 1 week hunger strike at a time he expected to be sentenced in secret without a trial. XU Xiaowei, also a World Economic Herald journalist, is believed held incommunicado at the same place. According to Hong Kong press sources, Xu was arrested in late June. Asia Watch has not been able to confirm his arrest, and there has not yet been official confirmation through the state media. The newspaper Wen Wei Po reported that Xu was accused of having worked with the Shanghai Autonomous Students Federation.

ZHANG Li, director of the publishing house of the Sichuan Provincial Academy of Social Sciences and LI Jiawei, editor of the publishing house, were expelled from the party for authorizing the publication of The Complete Biography of Du Yeusheng. (Du was a gangster in Shanghai in the 1930's who provided important support for Chiang Kai-shek.) The two men were accused of seriously violating political discipline and departing from the orientation of socialist publication, according to a Radio report in Chengdu, Sichuan broadcast on August 28. In addition to being expelled from the Communist Party, the men have probably also been arrested, as the Radio report said they had violated provisions of the criminal code and that the judicial organ is dealing with the matter according to law (FBIS, August 30, 1989).

5. Arrests of Chinese Workers and Peasants

Asia Watch has learned that HAN Dougfang, 26, the leader of the Beijing Workers Autonomous Federation (BWAF), turned himself in to the authorities in Beijing in the latter part of June; he has been held incommunicado ever since. Han, before his arrest, was a railway worker in the Fengtai Locomotive Maintenance Section. He went into hiding on June 4, but was unable to remain underground for long. The BWAF was formed by a group of workers on May 19, the eve of the declaration of martial law; it was labeled as counterrevolutionary by the authorities on June 2, but was not formally declared to be illegal until June 8.

On June 14, the Chinese government issued a wanted notice for Han and two other leaders of the Federation, Lili, 26, formerly a lecturer at the Workers University of the Beijing Bureau of Machinery Industry, and LIU Qiang. Liu, a worker at Factory No. 3209 in Beijing, was arrested later that day in Inner Mongolia; state television showed him being hauled off a train. He Lili's fate is not yet known.

Apart from a small, short-lived workers group which was set up in Taiyuan, Shanxi Province, in the winter of 1980, Han Dongfang's BWAF is thought to have been the first truly independent labor organization in China since the founding of the People's Republic. The BWAF's Provisional Charter, adopted in Tiananmen Square on 28 May this year, made clear the organization's intention to operate openly and in full conformity with the laws and constitution of the PRC. The Provisional Charter also clearly outlined the uncompromising principles and aims of the BWAF:

> The organization shall be an entirely independent, autonomous organization, built up by the workers on a voluntary basis and through democratic processes; it should not be controlled by other organizations.
>
> The fundamental principle of the organization shall be to address political and economic demands based on the wishes of the workers, and it should not be merely a welfare organization.
>
> The organization should have the function of monitoring the party of the proletariat the Chinese Communist Party. Within the bounds of the constitution and the law, the organization should be able to safeguard all legal rights of its members.

Until June 4, the Beijing Workers Autonomous Federation was based in two small tents, set up in the north-west corner of Tiananmen Square. Through a small broadcasting system there, they nightly transmitted items of news, commentary and political analysis which attracted audiences of several thousands, sometimes until dawn. Their tents were the first target of attack by the massive PLA force which arrived in the Square around 1:15 a.m. on June 4. Many of the BWAF's members and leaders, together with those of similar workers organizations in other cities throughout China, have been rounded up and arrested in the subsequent crackdown, and the authorities appear to have reserved their harshest treatment for this category of detainees. Shortly before the crackdown, Han Dongfang said: I'm not afraid. One can always find ways to survive. I just want us to be able to build an organization that can truly speak for the workers.

PU Yong, 22, a medical worker and minor administrator in Nanjiang County, Sichuan Province, has been arrested in connection with a major counter revolutionary propaganda and incitement case (Sichuan Radio in FBIS November 1, 1989). Pu, who was elected as deputy director of Liangshui Township in May 1988 and was a worker at the Nanjiang County Hospital of Traditional Chinese Medicine, allegedly had listened to the voice of America, read reactionary publications and worshipped the capitalist social system practised in Western countries. During the counterrevolutionary rebellion, the high school educated Pu had posted big-character slogans in Nanjiang County and, on the night of October 29-30, he secretly wrote more than 400 counterrevolutionary leaflets which he distributed in 13 places in Nanjiang's downtown area, including bus stations, movie houses and the people's assembly hall. He also took down and threw away the signboard of a government and party organ, and he viciously attacked the Chinese Communist Party and China's socialist system and slandered its leaders.

ZHAO Shujian, 33, was arrested on November 7, 1989 for counterrevolutionary crimes allegedly committed on May 20 in Kaifeng in central Henan Province. According to Henan Radio (December 15, 1989), Zhao, a cadre in the Kaifeng Housing Construction Company, painted more than 30 reactionary slogans on streets, schools and factories, organized illegal demonstrations, gave counterrevolutionary speeches at Henan University and spread the contents of Voice of America broadcasts at his own worksite during the height of the prodemocracy movement. He has been branded a criminal by the police, and accused of trying to overthrow the Communist Party and of having viciously attacked and vilified state and party leaders. Zhao is alleged to have also written posters on earlier occasions, April 25, 1989 and January 18, 1987. He is said to have confessed to all his crimes.

FANG Xu, WANG Chunfu, both workers, and CXEN Xinchun, unemployed, were convicted for crimes allegedly committed during the prodemocracy demonstrations in Nanjing (Jianasu Fazhi Bao in November 20, 1989). Fang and Wang, who allegedly had previous records for theft, were sentenced to seven years each by a Nanjing court for forcing two drivers from their vehicles on May 18 in Nanjing and for wounding passersby who tried to stop them. Fang was also convicted of attacking a vendor with a knife the following day. Chen, was sentenced to five years for provoking fights during May and June, resulting in injury to six people at a town market. He too is alleged to have a criminal record.

WANG Jiaxiang and WANG Zhaoming were sentenced by a Beijing court on December 7, 1989 for spreading interrevolutionary propaganda and inciting rebellion. Neither the dates of their arrests nor the terms of their sentencing have been reported (South China Morning Post, December 15, 1989).

ZHANG Jingsheng and Wang Changhuai, alleged counterrevolutionary criminals were sentenced on December 7, 1989 by the Changsha Intermediate People's Court in a special urban meeting (FBIS December 14). According to the official Hunan Radio dated December 9, Zhang, 35, a former Democracy Wall activist, received a 13 year sentence and was deprived of his political rights for 3 years. He had previously served 4 years for spreading counterrevolutionary propaganda. Wang, 25, was given a 3 year sentence for turning himself in on June 15 and was deprived of his rights for 1 year. Wang, formerly a worker at the Changsha Automobile Engine Factory, had been head of Changsha's Workers Autonomous Federation and its propaganda section chief. Zhang, a casual laborer in a factory in Shaoguan, Hunan province, is said to have made speeches on May 4, 1989 at Hunan University and at the Changsha Martyrs Mausoleum calling for the release of Wei Jinsheng, the Democracy Wall activist. On May 21, Zhang joined the Workers Autonomous Federation. He allegedly incited workers to go on strike and students to boycott classes. After the crackdown in Beijing, he wrote a letter of appeal, distributed by the Workers Federation, urging that fighting against the government continue. This is Zhang's second had served a four year prison term for spreading counterrevolutionary propaganda.

Two Shanghai workers, JIANG Xidi and ZHANG Jinfa, accused of joining the counterrevolutionary riot in June in Shanghai, were reportedly sentenced to 12 and 11 years respectively. Neither the dates of arrest nor of sentencing are known.

LIU Chengwu, a Shenyang resident, was arrested on October 30 for openly propagating reactionary words and disrupting public order. ccording to the report in Liaonina Fazhi Bao (November 7, 1989), the 25-year-old unemployed Liu, who served a prison sentence for theft in 1983–85, set up a radio outside his mother's restaurant on June 7 to transmit Voice of America news about the Beijing massacre. Many people stopped to listen to the radio. As a result traffic was seriously disrupted.

GAO Hao and WANG Baikun were arrested in Shanghai in November for their role in the June demonstrations (Washington Post, December 3, 1989). Gao was seized at the Shanghai railroad station on November 7 for burning military vehicles during the counterrevolutionary rebellion in Beijing. Wang, identified as a leader of a Dare-to-Die brigade that provided security for students during the period of turmoil, was captured on November 16.

DONG Shengkun, MIAO Deshun, WANGG Guoqiang, SHI Guoquan and ZHAI Yicun were arrested on charges of engaging in violent acts and instigating counterrevolutionary protests in Beijing following the June 4 crackdown, according to Beijing Radio (June 27, 1989). Dong, Miao, and Wang were accused of setting a fire; Shi and Zhai were accused of looting. ZHANG Jianzhong, 26, allegedly a member of the Dare-to-Die Corps, and BAI Xinyu, 60, allegedly a Taiwan soldier and KMT agent, were also reported arrested in connection with the same case. Zhang, a former Beijing worker and allegedly a bodyguard for leaders of the Beijing Students Autonomous Federation and for the broadcast station Voice of the Student Movement, was charged with mutilating the body of LIU Guogeng, a soldier killed in the army's June 5 assault on the student demonstrators; Bai, who had previously served a 15 year sentence for murder, was said to have burned a military vehicle. Two others arrested at the same time, Li Wenbao and Liang Hongchen (see Executions) were sentenced to death and are believed to have been executed.

LIN Qiang and wanG Liqiang have been tried by a Beijing District Court for attempts to incite workers at the Capital Iron and Steel Company to join the democracy protests on May 20, according to Beijing Wanbao (Beijing Evening News, July 6, 1989). Two drivers from Beijing arrested in the same case, YI Jinyao, 20, who was assigned to a Beijing City government office, and TAN Minglu, received sentences of 4 and 3½ years respectively. The report said both tried to persuade steel workers to help set up blockades to prevent troops from moving into the city on the day martial law was declared.

BAI Wenbo was arrested on June 11, according to Beijing Radio (June 13, 1989) for allegedly burning a military vehicle and giving a counterrevolutionary speech. No further details are available.

On the same day Beiiing Radio reported two additional arrests: YU Peiming, 59, a Beijing steel worker, who gave a speech in the Liuliqiao area allegedly criticizing Party leaders and inciting people to overthrow the government; and Tioligl unemployed, said to have attacked soldiers and burned vehicles on June 3. Both were arrested on June 11.

CHEN Qisheng and HE Wensheng were also reported to have been arrested sometime after June 11 for hiding a submachine gun on June 6 (Beijing Radio, July 4, 1989). Both men were members of the Black Panther Shock Brigade of the Beijing Citizens Autonomous Federation.

Twelve people arrested on June 12 in Daxing County near Beijing include SUN Yanru (possibly a woman); ZHANG Guojun; LI Huanzin, a worker at Zhongmei Model Flour Factory; XIE Nanfang, a driver at the Capital Bus Company; HE Yongpei, a worker at the Wangfujing Art Store; GAO Hong, a service worker at the Yongdingmeng Motel; and CHEN Yonggang, an operator at the Dongdan Telephone Bureau. They were accused of destroying military vehicles, attacking the police and spreading rumors.

SONG Zhengsheng and GAO Liuyou were tried in Beijing Intermediate Court for burning military vehicles. There are no further details available.

Shanghai resident GENG Xiuchong, 30, was accused on June 5 of faking a bloody cloth as evidence of the Beijing massacre, according to Beijing Radio (June 29, 1989).

LI Mou, an employee of the Merchant and Industry Station at Huilongguan, Changping County and a Beijing Workers Dare-to-Die Corps member, was arrested on June 13, 1989 in Huoying, Changping County near Beijing for joining the June 3-4 riots. PANG Fuzhong, a peasant from Shanxi Province, was arrested a day later in Beijing for burning military vehicles on June 4.

HUO Liansheng, 22, a peasant from Miyun County east of Beijing, was arrested on June 4 and accused of stealing a gun (Beiiinq Wanbao, June 10, 1989).

LI Zixin, a 20-year-old peasant from Dongzhao Village, Fashang Brigade, Daxin County near Beijing, was arrested for having joined a group attempting to stop military vehicles on May 22, according to Beijing Wanbao (June 3, 1989).

SONG Kai, a 34-year-old service worker at Yanjing Drugstore in the West District of Beijing, turned himself in to the police, admitting only to minor misconduct. He was formally arrested on June 17, on charges of stopping and attacking soldiers on June 4 (Beijing Wanbao, July 6, 1989).

CAO Qihui, a Beijing worker and a member of the motorcycle team which supported students during prodemocracy activities, is reported by Tuaniie Bao (September 5, 1989) to have been arrested on July 8.

CAO Yingyun, 36, a worker at the Second Machine Tool Factory in Beijing, is reported to have been arrested in the Fengtal district on May 24, 1989 as he destroyed slogans that supported Li Peng and spread material that attacked the leader of the Party and the government (Beijing Wanbao, June 3).

SUN Feng, a worker who joined the student demonstrations on May 14 and was in charge of the Beijing Students Autonomous Federation's broadcasting station, was arrested on June 2 along with G ei. Sun is charged with spreading rumors, blocking traffic and disturbing the social order (Beijing Radio, June 4, 1989).

WANG Gang, 27, manager of the Jinlong Hotel in Kunming was arrested and charged with counterrevolutionary propaganda and contacting people from Hong Kong. The date of his arrest is uncertain.

ZHENG Jinli, unemployed, is reported to have been arrested in Dalian on June 13 along with JIAO Zhizin and SONG Tianli. Zheng was allegedly a leader of a counterrevolutionary organization (Zhonqouo Oingnian Radio, June 14, 1989; Amnesty

International Urgent Action: 202), as were Song, unemployed, and Jiao, a salesman. The three allegedly formed the China Democratic Political Party during the student demonstrations and advocated the overthrow of the Chinese Communist Party and the socialist system.

ZHANG JIE, 22, an unemployed worker from Jinan, Shandong Province, was recently sentenced to 18 years imprisonment for making counterrevolutionary speeches, according to a report in the Jinan Masses Daily on October 15. zhang's crime was that he had stood outside the municipal government offices in Qingdao on June 5 and called upon a crowd of several thousand people to hold mourning activities for the dead in Beijing.

Two unemployed men, and a peasant were sentenced on October 9 by the Guangzhou Intermediate Court to prison terms of 18, 13 and 5 years for acts allegedly committed by them after June 4. According to a report issued by the China News Agency (October 9), the two took advantage of the student demonstrations in Guangzhou's Haizhu Square to intercept and damage a total of 15 vehicles, and to openly insult two young women who were passing through Haizhu Square. Zeng Weidong was sentenced for having gone to Haizhu Square on the night of June 6 and joining a group of people who were waving the banner of Guangzhou Workers. It is also alleged that while there, he took part in acts of beating, smashing and looting.

In another such case in Guizhou Province, an unspecified number of local farmers were arrested recently after allegedly forming a dissident party aimed at toppling the Communist Party. According to a report in the People's Public Security News, the dissident party had plotted to attack public security organizations arsenals, blow up bridges and cut telephone lines on August 20, but the plot was detected and the party's leaders arrested on October 10.

On October 29, the China News Service reported that three other men (unnamed) had been arrested in Chongqing, Sichuan Province, for allegedly belonging to a dissident ring, the Chongqing Patriotic and Democratic Alliance. The organization had allegedly been formed on May 21 and had continued its activities even after the government's military supression of the prodemocracy movement in Beijing. After June 4, Dai Weiping and his followers held secret meetings, planned the formation of underground armed forces, attempted to seize and steal firearms and ammunition and even tried to seek support from overseas forces. No other details about the men were given, but the Hong Kong press has quoted provincial sources as saying that the Chongqing patriotic Democratic Association was a workers' organization with some support from the unemployed.

In its August 17 update, Asia Watch reported the sentencing of RUI Chaoyang and ZHANG Bingbing for their part in a riot that broke out in Xi'an following a memorial service for deposed communist party Secreta Hu Yaobang. Rui Chaoyang yas sentenced to life imprisonment for ooligani5m. He was found guilty of breaking into a government compound, throwing stones at police and smashing windows of a tourist bus, according to a Reuter release of August 17. Zhang Bingbing was sentenced to 16 years. An account of their arrest and trial was reported over Beijing Radio on August 16. According to that report, Rui Chaoyang was a temporary worker of the Xi'an (Huanbao) Boiler Company. Zhang Bingbing was a contract worker of the installation team of the Shaanxi Provincial No.3 Construction Company.

On June 10, ZHU Huiming, LI Huling and RUI Tonghu were arrested together with seven others in Nanjing, according to a June 10 broadcast of Xinhua News Agency. All were members of the Autonomous Workers Federation which had established contacts with the Nanj ing Autonomous College Students Federation, according to' the report. The Radio broadcast singled out the three of the 10 arrested who had previous convictions: Zhu was a vagrant who had been detained for beating other people; he was accused of fabricating a story that his brother had been killed in Beijing. Li was a worker in the No.1 farm under the Nanjing City Public Transportation Company who had served two years of if education through labor for fighting. Rui, a leader of the workers pickets, was a self-employed car repairman who had served one year in prison in 1979 for injuring people, according to the report.

LI Rongfu, also from Shanghai, was arrested on June 7 and accused of instigating students to sabotage various means of transportation, according to Shanghai Radio. The 39-year-old taxi driver approached a group of students gathered at the intersection of Siping and xingang Roads, according to the Radio and urged them to adopt new struggle tactics including setting up roadblocks.

SONG Ruiyaug, a woman inspector from Jonghu Steel Mill, was arrested on June 7, according to Shanghai Radio (June 10, 1989). She is accused of having spread rumors and instigated onlookers during a demonstration, stopped cars and deflated their tires, and falsely claimed that her son was killed in Beijing.

XIAO Bin, 42, an unemployed factory worker, was sentenced on July 13 to 10 years imprisonment and 3 years deprivation of political rights by the Dalian City Middle-level People's Court. He was convicted of propagating counterrevolutionary lies, according to a UPI report, after reportedly saying that 20,000 people had been killed on June 4. He had been arrested on June 10 in Dalian after having been interviewed by ABC News on the Tiananmen Square massacre. The ABC broadcast showed him imitating how machine guns had mowed down demonstrators. He was turned in shortly after Beijing television appealed to viewers to turn him in for rumor-mongering. A report in the English-language, called him a salesman with Dalian Xinghai Aluminum Window Factory.

An article in People's Daily (August 10, 1989) defended the 10-year sentence against Xiao. It said Xiao had been found guilty of the crime of counterrevolutionary incitement which he had engaged in out of resentment and personal frustration at having been dismissed from his job. The article then quoted from his confession which was almost certainly forced. He said he discussed with students in Tiananmen Square how corrupt the government was and said the officers and soldiers responsible for martial law must be killed. Xiao confessed he had said this in order to make the masses doubt the Communist Party and the government, and he told the court he had spread untrue rumors. Under Article 102 of the Criminal Code, such action had to be punished by five to IS years' imprisonment, and so the sentence Xiao received of ten years was, according to the article, reasonable, justifiable and lawful, as well as appropriate.

In another arrest in Shanghai, a worker named SHEN Zhigao, an employee of the Shanghai Toy Company warehouse, was arrested on June 11 for spreading counterrevolutionary propaganda at the People's Square and the Finance and Economics University. He was also accused of carrying out unspecified instigation at the gate of Tongji University in Shanghai.

WANG Wei and ZHANG Jun, two members of a Citizen's Dare-to-Die Corps in Beijing were arrested on June 11 by the Martial Law Enforcement Command acting in coordination with the Public Security Bureau, according to a Beijing television broadcast on June 12. Zhang is a native of Hebei and had been in Tiananmen Square every night from May 20 until the army assault on June 3-4. He was accused of if shielding the Radio station there and spreading rumors against the party and government. Wang was reported to be a leader of the No. 9 Team of the Dare-to-Die Corps and was accused of assaulting soldiers with bottles on the night of June 3. On June 5, while leading corps members in escorting ringleaders of the Autonomous Union of College Students in Beijing to flee to other places, he unscrupulously spread counterrevolutionary rumors about a bloodbath on Tiananmen Square aboard the train, the broadcast reported (FBIS, June 14, 1989).

YANG Fuqian, 27, a leader of the independent workers association in Beijing, was also arrested on June 10. A worker at the Beijing No. 4 Hydraulic Plant, Yang became a member of the association on May 22, according to Beijing Radio, and was appointed leader of the third picket detachment. The Radio report said Yang made a preliminary confession that he had instigated people to storm the Beijing Public Security Bureau (police headquarters). That confession may have been extracted by force or intimidation. Yang appeared on a state television program in the presence of an interrogator on June 11, and according to a UPI report, The prisoner was groggy and his speech was slurred from an apparent beating that swelled his right cheek. Several of the other suspects also appeared to have suffered beatings.

GAO Yunming, 31, was among 37 persons arrested in Shenyang on June 8, according to a Xinhua Radio report broadcast on June 9. He was a worker in the Mutual Inductance Instrument Factory in Shenyang City and was one of eight out of the 37 who will be tried; the others will be released after re-education, according to the report.

HUANG Jianhu, an assembly worker at the water meter plant of the Shanghai Water Company, was arrested on June 8 for directing a flying vehicle squad to set up road barricades, according to Shanghai Radio (June 10, 1989). Squad members, some 200 in all, shouted reactionary slogans and incited workers to strike, according to the radio.

LI Weiguo, 22, a peasant from Shili village, Mazhai township, Juancheng county, Shandong, was arrested on June 8 for having taken part in the Beijing Dare-to-Die Corps and for distributing leaflets about rne Truth of June 3 in front of the Heze Specialized Teachers School. According to Shandong radio, Li went to Beijing on May 15 to support the student hunger strikers. He made contact there with students from Heze and through them entered the Dare-to-die Corps, the Radio said.

On June 5, he left Beijing to go to Qingdaoand Yantai to make contact with unidentified persons. He returned to Heze on June 8 and was promptly arrested, according to the report.

On June 9, nine worker leaders in Shanghai were arrested. The nine were leaders of the Shanghai Self-governing Council of Trade Unions, according to a Beijing Radio broadcast (FBIS, June 12, 1989). They are accused of holding secret meetings, advocating strikes, and chanting reactionary slogans. According to the radio, They also vilified the Shanghai Council of Trade Unions as being totally paralyzed.

CHEN Jinliang, LI Yi, MA Zhiqiang, SUN Xisheng, WANG Baomei, YANG Jian and ZHANG Hongfu, all members of the Shanghai Workers Autonomous Federation (probably the same body as that mentioned in the preceding paragraph), are alleged to have held secret meetings, advocated strikes and chanted reactionary slogans (Renmin Radio June 11, 1989; Jiefnna Radio August 25, 1989; Amnesty International UA: 181). DAI Zhenping, accused of spreading rumors in connection with the deaths of demonstrators on June 6, 1989 at the Shanghai railway station, has also been arrested (Jiefana Radio, August 23, 1989). The date of his arrest is uncertain, but he, too, may have been seized on June 9 along with Wang Miaogen and the other Shanghai worker leaders. According to the reports, Wang and Dai, along with Chen Shengfu and Cai Chaojun were instrumental in organizing the Workers Federation on May 25; Zhang and Sun with nine others planned the strikes and traffic disruptions on June 5; Wang, in a June 8 public meeting, asked people to organize to overthrow the government; Dai gathered 300 people at Zhabei Hospital to recover the bodies of those killed by trains; and Ma, Chen, Li and Yang planned to organize a People's Party, committed to military struggle. The organization was declared illegal on June 9.

FU Liyong has been identified as another of the workers arrested in Shanghai for blocking traffic and deflating tires on June 6 (Jiefang Radio, August 23, 1989).

CAI Chaojun, named by the Shanghai Municipal Public Security Bureau as the founder of the Shanghai Workers Autonomous Federation is believed to be in custody. The Hong Kong paper Zhonqouo Tonaxun reported on August 16, 1989 that authorities in Shanghai had discovered that Cai, a jobless man who had just been released from a labor camp, was the founder of the Shanghai Workers Voluntary Supporting Group which on May 17 became the Shanghai Workers Autonomous Federation.

CHEN Dao, JIANG Zhi'an, DAI Yue and YANG Xiuping have been arrested for organizing a broadcasting station, Voice of Democracy and Freedom, in Shanghai's People's Square. The dates and places of their arrests are unknown. Jiang, a worker for the Shanghai Construction Company's 301 Team, and the others are said to have begun counterrevolutionary propaganda broadcasts on May 23, 1989 (Jiefang Radio, August 23).

CHEN Deqing has been arrested for blocking and attacking trains in Shanghai on June 6, 1989. According to a report in Jiefang Radio (August 23), Chen joined with others from Shanghai to show support for prodemocracy demonstrators in Beijing. The date of his arrest is unknown.

FAN Jinchun, another Shanghai worker, has been arrested and accused of spreading such rumors as police beat people and Deng Xiaoping was killed (Jiefang Radio, August 23, 1989). No additional details are available.

GAO Guihong, a Shanghai worker, was arrested for inciting people to block trains on June 6, 1989. The incident allegedly occured after six demonstrators in Shanghai had already been killed by trains (Jiefang Radio, August 23, 1989). The date of Gao's arrest is unknown.

LI Jian, a self-employed Shanghai worker, was sentenced to 3½ years imprisonment for shouting revolutionary slogans, deflating tires and blocking traffic on June 5, 1989 (Jiefang Radio, July 15, 1989). Neither the date of arrest nor of sentencing is known.

TANG Guoliang was sentenced on July 6, 1989 to 10 years imprisonment. According to Jiefang Radio (July 13, 1989), the 29- year-old unemployed Tang, while pretending to be a Shanghai Railroad Institute student on June 6, incited people to block trains.

WU Qihao, a Shanghai worker, and LU Guodong were arrested for their alleged June 8 attempt to lower the flag on the Huangpu District Government building out of respect for victims of the Beijing massacre (Jiefang Radio, August 23, 1989). Arrest dates are unknown.

YANG Jinfa, a Shanghai resident, has been sentenced to 11 years imprisonment for spreading rumors, making trouble, shouting counterrevolution slogans, disturbing the social order and attacking the police (Jiefang Radio, August 23, 1989). Neither the date of the alleged incident nor the dates of arrest or sentencing are known.

YANG Tingfen, a railroad worker in the East Shanghai Work Area has been arrested for helping student demonstrators to block and damage military railroad tracks on June 5, 1989 (Jiefang Radio, August 23, 1989). The date of Yang's arrest is unknown.

YAN Tinggui, one of ten members of the Shanghai Patriotic Workers Organization Supporting Beijing People, has been arrested for allegedly forcing the director of his factory to call a strike in support of the people of Beijing following the crackdown there. According to Jiefang Radio (August 23, 1989), Yan had a previous gambling conviction for which the Shanghai government paper had labeled him a bad element.

YAO Shanbo, a peasant from Xinghua, Jiangsu Province, has been sentenced to 4 years imprisonment for joining the Shanghai riot on June 5, 1989. He is alleged to have blocked traffic, deflated tires, and shouted counterrevolutionary slogans.

ZHAO Guozheng has been arrested and accused of blocking traffic and deflating tires on June 8, 1989, in connection with the Shanghai demonstrations in support of Beijing's prodemocracy movement (Jiefang Radio, August 23). The date of Zhao's arrest is unknown.

BAI Dongping, a 27-year-old Beijing train attendant and a member of the central committee of the Beijing Workers Autonomous Federation, was first arrested on May 28, 1989 but released after 3,000 people demonstrated outside the Public Security Bureau. He is reported to have been re-arrested in Zhongjiang County, Sichuan Province while on the run. The date of his second arrest is unknown.

On June 8, four members of the Shanghai-based Patriotic Volunteer Army were arrested. They had taken part in a demonstration on the Bund the evening of June 8, claiming that 200,000 troops were on their way to suppress the students, according to a Shanghai Radio report. One of them, a private entrepreneur named BEANG Qivangl was a member of the Self-Governing Union of Workers. He was released from an earlier jail term in January 1988. According the the Radio report, he had incited people to take the bodies of victims killed in a June 6 riot from hospital mortuaries.

Also on June 8, Beijing television reported that eight members of a youth Dare-to-Die Corps were arrested in Taipei, Harbin, Heilongjang Province. They had ridden through the streets reportedly shouting, Long Live Dao Qiang Pao; Dao Qiang Pao translates as Knife, Gun, Artillery and according to television was the name of a gang responsible for murder and arson.

One worker is reported to have been arrested in Shanghai on May 31 for making a prodemocracy speech; a florist in his 40's. No other details about him are available, and it is not known whether he was released before the June 3-4 crackdown.

6. Arrests of Alleged Taiwan Agents

YANG Xiaohua, 30, was arrested in Yichang City, Hubei on charges of being a spy for Taiwan, according to a Wuhan, Hubei Radio broadcast. Yang, who until 1985 was a member of the Yichang City song and dance company, was allegedly recruited by Taiwan's intelligence service while he was on one of several trips abroad. During the student demonstrations of May and June, according to the report, Yang mixed with students from Yichang city and iiinstigated them to storm local party and government organs. He also wrote propaganda materials, according to the report. Evidence of his espionage activities was found when his home was searched, the radio said.

OU Zongyou, a Taiwanese businessman, was arrested on June 22 in Guiyang, according to Xinhua News Agency. He was accused of spying for Taiwan, spreading rumors, slandering the Chinese Communist Party, collecting banned publications and taking pictures of anti-state demonstrations. According to UPI, Xinhua said Ou was a member of Taiwan's Military Intelligence Bureau and had received espionage training in Hong Kong.

Twelve other alleged Taiwanese agents were arrested on the same day. Two of them, were sentenced on October 23 to 13 and 10 years imprisonment by the Guangzhou Intermediate Court on charges of espionage (according to Minq Bao and , October 24). The Hong Kong paper cited a recent news release from the China News Aaencv claiming that in October 1988 the two had been recruited into the spy service of the Taiwan Government.

7. Arrests of Tibetan Activists

Five Tibetan monks, demonstrators for Tibetan independence in $hasa, have been sent without trial to labor camps for three years. The sentences were announced on November 3, 1989. A sixth monk, DAWA TSERING (Zla-ba tshe-ring, Dawaciren), accused of organizing separatist activities, awaits trial (Tibet Daily, November 6, as reported by Reuters November 16; FBIS, November 20). Dawa Tsering and a second monk, TENZIN (Bstan-dzin, Danzeng), paraded illegally in central knasa around Jokhang Temple, Tibet's holiest Buddhist shrine, on September 30 and were arrested on the spot. The latter brandished Tibet's nationalist flag which, he said, his companion had made. Dawa Tsering was also accused of taking part in rioting on March 5. The other four, Lichino, PGRGYAL (Phur-rgyal, Pujue), TRINLEY (Phrin-las, Pujue), are accused of shouting independent Tibet and other reactionary slogans while parading around the temple on October 25. All six were brought before a mass public meeting in Lhasa on November 3. Tenzin is from Ganden monastery; the others are from Pareburu (Brag-lha klu-phug) monastery.

TSETEN NORGYE (Tshe-brtan nor-rgyas), about 45, has reportedly been held in Lhasa's Chakpori (Loags-po-ri) detention center since his arrest in April or May. Sources in Lhasa say authorities consider him a proindependence ringleader; there are unconf irmed reports that he has been tortured. Tseten, originally from Gyantse (Rgyal-rtse), is not known to have been charged, but his arrest followed a police search of his home during which a mimeograph machine allegedly used to print Tibetan independence literature was found. An informer reportedly told police that Tseten, who was released in the early 1980's after spending 15 to 20 years in prison, had been distributing Tibetan propaganda.

TASBI TSERING (Bkra-shis tshe-ring), a Shigatse (Gzhis-ka-rtse) native, was arrested November 28, 1989 and is awaiting trial for the crime of counterrevolutionary propaganda and inflamatory delusion (Lhasa Tibet Regional Service, in FBIS December 1). A senior public figure, Tashi, 50, has been charged with producing 73 slogans and leaflets which he deposited in complaint boxes at the central airport, the general office of the CPPCC perfectual committee and the head office of the Shigatse city party committee. According to the report, the leaflets called for independence and venomously slandered the CPC and the socialist system. Tashi is also said to have been slack in remolding his ideology. He has been removed as a CPPCC perfectual committee member.

In a related case, PHURBU another student at the No. 1 Secondary School, has been sent by the Lhasa City People's Procuratorate to a relevant department to undergo labor reform. Although he did not formally join the Young Lion Group, Phurbu is alleged to have taken part in its activities.

DAWA DROLMA a temporary teacher at the Lhasa City Cement Plant, has been given a suspended sentence by the same court. Dawa allegedly wrote a reactionary song on her classroom blackboard and then taught it to her students. She is also alleged to have provided shelter for rioters. Although her crimes constituted counterrevolutionary instigation, Dawa has responsibility for feeding a year old son; hence her case will undergo further investigation.

LOYE a monk at Potala Palace, was sentenced on December 6, 1989 by the Lhasa Intermediate People's Court to 15 years imprisonment and deprivation of political rights for 5 years. He had been charged with counterrevolutionary propaganda, inflammatory delusion and espionage. According to Lhasa Tibet Regional Service (December 7, in FBIS, December 20), the 39-year-old Luoya, actively colllected intelligence for the enemy abroad, instigated the masses to hinder the enforcement of state laws and regulations, and jeopardized national unity.

Six Tibetan nuns and two Tibetan men have been sentenced without trial to terms of up to three years in labor re-education camps, and two other nuns are still awaiting sentence, according to the Tibet Daily of October 18 (FBIS, November 1). Four Buddhist nuns were charged with having staged an illegal demonstration in central Lhasa on October 14 calling for Tibetan independence; they were each given 3 year sentences by an extra-judicial organ in Lhasa called the Committee for Reeducation through Labor. Two nuns from the Miqiong Monastery arrested during the demonstrations Pingzinoniheng and Pingsinobnimu, both said to be ringleaders, are still awaiting sentence. Two men, who allegedly shouted reactionary slogans in Lhasa on October 14, were sentenced to 3 and 2 years in re-education camps respectively. In addition, two nuns were each sentenced to 3 years in re-education camps for staging a demonstration in central Lhasa on October 15 and chanting reactionary slogans. A group of six Tibetans were recently tried and sentenced in Lhasa in connection with their proindependence activities in March of this year, according to People's Daily (September 13). A 22 year old man was sentenced to life imprisonment for beating, smashing, looting and burning during the March unrest, and another was jailed for 12 years for inciting people to sing proindependence songs.

Seven Tibetans were tried and sentenced for their involvement in demonstrations in Lhasa, Tibet on March 5, 1989. Cering Ngoizhu, 57, was accused of spying for the Dalai Lama and sentenced to 12 years in prison on charges of counter revolutionary propaganda and inflammatory delusion. During theMarch demonstration he was said to have incited young people to sing reactionary Tibetan independence songs. Dagwa, a lama at Raodoi Monastery in Quxu County, was sentenced on the same charge to 4 years imprisonment. He was accused of hanging the Tibetan flag in the monastery and shouting reactionary slogans. Xomgo, a lama at the same monastery, was sentenced to 3 years on the same charges. Dingling, Dagwa and Gaisang were sentenced on September 13 by the Chengguan District Court to 5, 8, and 4 years in prison respectively on charges of if looting and destruction of property in connection with the March 5 demonstration. Passang was given a life sentence by the Lhasa Intermediate Court for beating, smashing, looting and burning. His occupation is not known.

In addition, a Tibetan named Ngawang Gyainsing, a lama at the Zhebung Monastery, was sentenced to 5 years for providing information to an alleged intelligence agent for the Dalai Lama, Donzim Puncog. The sentence was announced on September 13 by Radio $hasa.

Two members of the Tibet branch of the Buddhist Association of China were expelled from membership in September after having been tried and sentenced earlier this year. Chung Bdag, 27, of Dagze County, was sentenced by the Intermediate People's Court of Lhasa to 7 years for instigating lamas at the Gnain Monastery to riot in December 1987. Gyulo Zlabatshering, 60, was sentenced last January to 10 years in prison for colluding with reactionaries abroad to try to overthrow the people's government and the socialist system. According to an article in Xinhua News Service (September 21, 1989), Gyulo was sentenced to life imprisonment in 1959 but released under an amnesty 20 years later, in 1979.

A Chinese police official in October 1989 admitted that over 400 Tibetans had been arrested following the proindependence demonstrations in Lhasa in March 1989. In an interview in Lhasa with Reuters correspondent Guy Dinmore (Reuters, October 22), the police official stated that 63 of the detained Tibetans had already been tried and sentenced, and that about 20 nuns had been sent for re-education through labor, a form of detention without trial, for periods of up to three years. The official added that 320 of those originally arrested had been released. Previously, Chinese authorities had admitted to having sentenced only 20 men and 11 nuns in Tibet since March. The newly released official figures thus indicate that more than 50 Tibetans have been sentenced since the March unrest without any public notification having been made. Unofficial sources, moreover, estimate the true number of arrests since March in Lhasa alone as well over 1,000. Mr. Dinmore said that he had conducted secret interviews with three Tibetans who had been released from prison in Lhasa; the three stated that prison guards there regularly beat inmates and sometimes used torture. Two of his sources bore major scars which they said had been inflicted in prison.

8. Others

Shanghai police have arrested two Brazilian-Chinese, CHI Jusu, 31, and her brother Ji Youyi, 30, on suspicion of smuggling citizens out of the country. The two were detained at Hongqiao airport (date unknown) when a group of 43 Chinese they were leading were found to have false visas. Tools and other equipment were recovered from their living quarters in Shanghai. The two, now Brazilian citizens, are said to have confessed to their illegal activities.

XU Quixian, head of the Beijing-based 38th Group Army, was reportedly Court-martial led and given a stiff sentence last autumn for failing to enforce martial law.

WINTER IN BEIJING—CONTINUING REPRESSION SINCE THE JUNE MASSACRE

(A Report by the International League for Human Rights and the Ad Hoc Study Group on Human Rights in China)

I. INTRODUCTION

In June 1989 the Chinese government ordered a crackdown on the prodemocracy movement which had flourished openly in the country in the preceding few months.

The immediate consequences of the crackdown were the deaths of many hundreds, and probably thousands, of innocent Chinese citizens and injury to many thousands more. The June massacre was followed immediately by a campaign of arrests, trials and executions and other repressive measures designed to extirpate the prodemocracy movement. The Chinese government publicized these actions widely and until the end of June provided in the Chinese media much explicit coverage of individual exemplary cases of people allegedly involved in the prodemocracy movement being arrested, interrogated and appropriately punished for their participation in what the Chinese authorities labeled "counterrevolutionary turmoil."

Since late June, however, coverage of the continuing repression has been given a much lower profile, apparently in response to the local and international opposition such coverage was arousing. Despite this decrease in media coverage, it is nonetheless clear from official government pronouncements, laws and decrees, and information from Chinese and English language media, as well as from other reliable sources, that the campaign of repression has continued relentlessly, and that the Chinese government has reasserted its control in countless formal and informal ways. These include new restrictions on political activities, continuing incommunicado detention of thousands and attempts to purge those believed to have been involved even peripherally with the prodemocracy movement or who sympathize with its aims.

This first phase of the crackdown has now been documented in detail in reports prepared by human rights organizations, journalists and others. They include the report Massacre in Beijing, issued in August 1989 by the International League for Human Rights (a New York-based international human rights organization) and the Ad Hoc Study Group on Human Rights in China (a group of Hong Kong-based professionals, academics and human rights activists).

The present report, WINTER IN BEIJING: CONTINUING REPRESSION SINCE THE JUNE MASSACRE, supplements the earlier report by our two organizations and demonstrates that, despite the Chinese authorities' laboured attempts to portray recent moves as a relaxation of the controls that were imposed in the course of last summer, institutionalized violations of fundamental human rights in China continue apace. It demonstrates that, despite the lifting of martial law, little has changed and that there is a consistent pattern of abuse both before and after the lifting of martial law.

Despite the clear evidence that massive violations of human rights have been committed without a let-up since last year, the Chinese government has intransigently refused to acknowledge this. It has resorted to various stratagems to meet criticism of its conduct. These have included denials that particular violations ever occurred in fact (the so-called "Big Lie" concerning the extent of the massacre in Beijing in June) and the incommunicado detention of thousands and the secret trial and sentencing of others (while refusing even to acknowledge that they are holding the victims in prison).

Further, the Chinese government has argued at length the untenable position that violations on a massive scale of human rights standards by which China is bound are a purely internal affair which the international community has no legitimate right to scrutinize.

The Chinese authorities have also argued that all human rights guarantees are relative and, in any event, can legitimately be made subject to restrictions and limitations. What the Chinese authorities ignore is that international law does not permit each and every restriction that a national government chooses to enact as part of its laws. Rather, permissible restrictions are narrowly limited, the more so in the case of rights from which derogation is not permitted even in time of public emergency rights such as the right to life and the right not to be subjected to torture, which have been so clearly violated in China in the last 8 months (and earlier).

The lifting of martial law in Beijing has been the most recent attempt by the Chinese government to defuse international criticism of and to distract attention from the continuing abuses. As is explained below, this is largely a cosmetic measure—it has done little to change the repression under which people live that has merely been an institution in many formal and informal ways.

In short, the Chinese government has signally failed to live up to the international standards to which it has willingly subscribed, a failure exacerbated by its persistent refusal to acknowledge the occurrence or wrongfulness of many of these violations.

The campaign waged against the prodemocracy movement has taken many forms since last June. They include an extensive campaign of thought control and thought "rectification" inflicted upon millions of citizens, the unrelenting arrest, imprisonment and ill-treatment of those considered sympathetic to the movement, flagrant denials of due process in the public judicial process and secret trials and sentencing, and the imposition of new restrictions on freedom of association and expression. The government has lifted martial law and released some prisoners. The few rather pathetic and token steps the government has taken for public relations purposes cannot dispel the harsh repressive measures it continues to inflict.

II. THE BIG CHILL: CHINESE THOUGHT REFORM AND NEW PURGES

A. Thought Police and Thought Control

In the months following the massacre, the Chinese authorities mounted a major campaign of thought policing, designed to identify those who had supported the pro-democracy movement in their actions or thoughts, as well as to ensure that those who might have had the "wrong" ideas about the nature of the movement came to understand their "errors" and what the "true" position should be. For millions in their work places, this campaign involved an extensive program of study of the pronouncements of Deng Xiaoping and others, as well as the requirement that individuals write essays detailing their activities during the April-June 1989 period when the movement was active and their attitude towards it.

This campaign is confirmed by accounts from numerous sources, media as well as first hand accounts available to the League and the Ad Hoc Group.

Ming Pao Monthly, for example, reported in its September 1989 issue that intellectuals had been required to write an account of their behaviour for the 52 day period from the beginning of the movement until June 4 and to produce witnesses who could corroborate their accounts.

Pai Shing Semi-Monthly, in its October 1, 1989 issue reported that, as of the middle of July, those working in government organs or departments, enterprises, or work units in Beijing were all required to write accounts of whether they had participated in or watched demonstrations, donated money, shouted slogans, written banners, and so on. These accounts were placed in each individual's personal file, for use immediately or in the future. In its November 1, 1989 issue Pai Shing Semi-Monthly estimated that nearly one million people in Beijing alone had been subjected to this type of scrutiny.

Journalist Jonathan Mirsky, writing in the New York Review of Books (February 2, 1990), reported that, for some accused of being "counterrevolutionaries" or "bourgeois liberals," questioning sessions have lasted 8 hours a day, for 6 days a week since June. The techniques, he reports, consists of the following:

> [V]ictims must memorize and repeat official policy statements verbatim and then explain at length why they once believed something else. If they say right away that they now accept government policy, this is immediately rejected as mere groveling; once the confession appears sincere, the victims must then explain the stages by which they changed their minds. They must also give detailed accounts of meetings they attended at which disloyal statements were supposed to have been made and must say who was there, who said what, and who kept silent. Telephone conversations must also be explained. If the victim hesitates, he is assured that his interrogators already know all the facts; only a confession that withholds nothing shows a repentant attitude and can help the victim avoid more serious punishment.

Those being interrogated in these sessions are often at their workplace, and not in prison cells. Yet the chilling procedure they are put through resembles nothing so much as round-the-clock sessions of the most intense interrogation by law enforcement officials.

The importance of confession and penitence by those who stray from official norms of behavior permeates many aspects of the Chinese justice system. Asia Watch, a New York-based human rights organization, recently recalled that Chinese prison cells prominently display a large sign that declares "lenience to those who confess, severity to those who resist." (Punishment Season: Human Rights in China After Martial Law, January 1990)

Indeed, in a November 20, 1989, interview with the West German paper, Die Welt, Premier Li Peng drew attention to the importance of "thought reform," confession and leniency. He stated that legal action would not be taken against many of the participants in the marches and demonstrations. But the individuals, he said, "must themselves collect experiences and realize that what they have done wrong." [According to Asia Watch, the U.S.-based newspaper Shijie Ribao reported that an unnamed Chinese source told them that Li Peng's statement was solely for propaganda effect abroad, as an internal directive had instructed local officials to take particularly harsh measures against prodemocracy activists. (Punishment Season, 5)]

Earlier, Cheng Ming magazine (October 12, 1989), reported that, according to an important internal party document issued in July or August 1989, some 19 categories of persons were to be purged. Of these, 10 categories, including leaders of "counterrevolutionary organizations," were to be "severely attacked;" the other 9 categories, including those who had engaged in the spreading of "political rumours," were to be targets of "internal cleansing." Such purges of workplaces, the party, and other organizations are normally conducted separate from the judicial system and would not be, as Li Peng suggested, "legal" measures against the demonstrators. Indeed they are often decidedly extra-legal.

B. "Reeducating" Students

Students in Beijinq ware subjected to similar treatment. In an interview conducted by a Granada Television team in Beijing in late 1989, a student described the various assignments that Beijing students had to carry out. At the commencement of the university year in fall 1989, students at various Beijing universities were required to undertake 3 weeks of political education, which included the memorization of various pronouncements and speeches by Deng Xiaoping, Li Peng and Chen Xitong (the Mayor of Beijing). Students were also required to write three 3,000 character essays: one detailing their daily activities from April 15 to June 4, 1989, one providing a self-review of their thoughts during that period, and a third setting out their understanding of the definition of social democracy. This account has been confirmed by many other similar ones. According to the Washington Post (December 3, 1989), written statements were required a second time from students at Beijing Normal University, which was among the most active institutions during the prodemocracy movement.

Beijing University, a centre of the student prodemocracy movement, has been singled out for particularly harsh treatment. In addition to reducing the numbers in the freshman class for fall 1989 to 800 (approximately half the size of previous years), the entire class was sent for the year to Shijiazhuang Army Academy in Hebei province for military and political training (South China Morning Post, January 3, 1990; China Update, No. 2, December 1989). The State Education Commission has reportedly decided that none of these students will be permitted to major in the social sciences when they return to the campus in fall 1990; there have also been no new graduate students or teachers in the social sciences at Beijing University this year (China Update, No. 2, December 1989).

In a November 1989 interview, a Chinese government official reaffirmed imposition of the 1984 policy that university graduates must go to work at the "grass roots" level (that is, in the countryside) for "tempering" before they can be considered for government or party jobs. According to Liaowang Overseas service (FBIS, December 5, 1989), the official stated that "working for 3 years at institutions which specialize in non-social science studies and are subordinate to the party and government can also be accepted as having undergone tempering at the grass-roots level."

On November 17, 1989, a new Code of Conduct for College Students became effective. Xinhua stated that the code "demands that students have a firm and correct political orientation, fervently love the leadership and socialist system, and study Marxism diligently." [Daily Report: China, Foreign Broadcast Information Service (hereafter "FBIS"), November 27, 1989)

Some accounts report that the number of plain clothes police sent on to campuses has also been increased (South China Morning Post, January 3, 1990). A student also told Granada TV's reporter in late 1989 that students were discouraged from congregating in groups on campus and that if any of them began to sing, plain clothes police immediately told them to stop, making various threats.

According to news reports, several student groups who had applied for permits for demonstrations in Beijing in late 1989 were refused permission to demonstrate. Further, following the dramatic events in Romania at the year's end, the Chinese Minister for the State Education Commission warned students not to take part in politics. (South China Morning Post, January 3, 1990)

In February 1990, the authorities introduced harsh new regulations to restrict further student activities on campuses, as well as access to study abroad. (United Press International, February 9, 1990) Under the new rules, there is a total ban on campus posters add mandatory participation in political meetings. While students are technically permitted to participate in demonstrations as provided for by law, university authorities have the power to stop any activity not approved in advance. Various student publications are banned under the new regulations. "Reactionary" publications and posters are reported to have been banned from campuses (South China Morning Post, February 10, 1990)

Furthermore, in the future, students will not be permitted to study abroad unless they have worked for 5-years in the country or reimburse their universities for the full amount of the tuition for each year short of the target, a sum more than twice the yearly salary of the average college graduate. The measure will sharply reduce the numbers of students eligible for overseas study.

C. "Cleansing" the Party

Shortly before the Lunar New Year (late January 1990) the Communist Party initiated a purge of its 48 million members to rid itself of "unreliable" members, namely those who expressed support for the prodemocracy movement last year or actually took part in demonstrations. The Hong Kong Standard of February 3, 1990 reported that, in the re-registration, party members will have to reveal their ideological stand and their role in the student demonstrations. United Press International (hereafter, UPI) reported that each member reapplying will have to appear before a review panel to detail his/her experiences. More senior party officials would then review these decisions. (UPI, January 3, 1990) According to sources relied on by the Hong Kong Standard, party members who had committed "mistakes" last June would be given a warning, removed from party posts or even dismissed from the party. The purge was to begin in the most "troubled spots," such as Beijing, Shanghai and Guangzhou.

This new purge was apparently a follow up to earlier scrutiny of party members who sympathized with the aims of the prodemocracy movement which, in the eyes of senior officials, was apparently not effective enough. Ming Pao reported that an official Communist Party study stated that only 5,000 party members were involved in the prodemocracy movement in Beijing. The Washington Post (December 3, 1989) and UPI (January 3, 1990) both cited reports stating that Beijing party secretary Li Ximing was angered by these low figures. The Post says although he had demanded completion of the party purge by the end of 1989, the process was being extended, reportedly "because party members were unwilling to confess to any wrongdoing and would not inform on one another."

Similar resistance by party members was reported by Ming Pao (January 4, 1990) and UPI (January 3, 1990), with the latter quoting Chen Guangwen, chief of the Beijing Party Committee's Organization section, as criticizing the party for harboring ideological confusion, organizational impurity and low discipline.

Nonetheless, considerable numbers of party members in Beijing had already been subjected to scrutiny and a number had been punished before the new stage of the purge was announced. Quoting sources in Beijing, the magazine Pai Shing Semi-Monthly (December 16, 1989) reported that, by the end of November, more than 200 party cadres at or above bureau or departmental level had been repeatedly forced to write self-confessions (up to 7 times). More than 150 of them had been punished; some were expelled from the Party, some were deprived of their posts, and others were demoted or suffered salary cuts. (South China Morning Post December 20, 1989; FBIS, December 19, 1989)

The number of party cadres who will be caught up in the renewed "cleansing" is still unclear. The Hong-Kong-based Ming Pao (January 4, 1990, FBIS, January 4, 1990), quoted Beijing Ribao, the official paper of the Beijing communist party, as stating that 910,000 party members in the city will be re-registered and will receive political and ideological reeducation.

Ming Pao reported on January 15, 1990 that, as part of this renewed campaign, Guangdong provincial officials had been instructed to re-register all Party members. All Party members were to be required to obtain collective endorsement of their self-examination (consisting, it seems, of verified statements of their activities during the period April/June 1989) before they can be re-registered. Failure to obtain this collective endorsement is likely to lead to disciplinary action. The newspaper also reported that provincial officials had been called on to take action against intellectuals previously passed over in the crackdown.

The policy of purging prodemocracy supporters has been carried through in a number of areas. The measures reported to have been proposed or adopted have been draconian in many cases. In its September 1989 issue Ming Pao Monthly, a Hong Kong publication, reported the contents of an internal document signed by Deng Xiaoping. The report was based upon information obtained through the children of senior party cadres. According to this account Deng had personally ordered that, of the 10,000 intellectuals who had been arrested, over half should be sent to the remote districts of Qinghai and Xinjiang for "reform through labour" and should never be allowed to return to Beijing, while the other half should be sentenced to imprisonment. The document is also reported to have stated that these intellectuals should not be tried in public, no matter what the length of the period of imprisonment or exile imposed.

It is unclear whether and to what extent the policy of banishing intellectuals away from Beijing to remote parts of the country has been carried out. According to a report in the Hong Kong magazine Pai Shing Semi-Monthly (October 1989), many of those arrested had been exiled to Qinghai and their home registration in Beijing canceled. However, Pai Shing also reported on December 16, 1989, that Wang Zheng, State vice-president, had proposed at a recent party meeting that 4,000 intellectuals in Beijing who were opposed to the Party be exiled to Xinjiang. (South China Morning Post, December 20, 1989; FBIS, December 19, 1989) At present it is almost impossible to know how many people have been subjected to this treatment. However, the fact that the authorities continue to make such threats is a clear manifestation of their general attitude to those who may hold different political opinions to those they hold.

III. PRISONERS

A. Arrests and Detentions

Thousands of people have been arrested nationwide in the course of the crackdown. While some of these have been released, it appears clear that many thousands are still being held in prison, often incommunicado and without charges being laid against them.

On July 17, 1989, Ming Pao reported that, after June 4, all persons in Beijing with previous criminal records—30,000 in total—were detained and interrogated, and those among them who failed to account adequately for their activities during the prodemocracy movement were all formally arrested. On July 24, 1989, the same Hong Kong newspaper quoted diplomatic sources in Beijing as saying that more than 5,000 persons were under arrest in Beijing. In mid-September, security personnel started checking the identity papers of Beijing's 10 million citizens, making door-to-door searches commonly at night. Reportedly an additional 212 persons suspected of resisting the army on June 3-4 were arrested by September 19.

Even official Chinese government figures put the numbers in the thousands. In December 1989, the official Beijing Youth News, citing figures from the city's Reform-through-Labour Work Administration Bureau, disclosed that 2,578 persons described as "ruffians" were arrested in Beijing in the 24 days following June 4, confirming earlier reports. Only 190 of these had been released by December 1989.

The campaign of arrests took place outside Beijing as well. On July 27, 1989, the South China Morning Post quoted a report in the Xinhua Daily of Jiangsu Province stating that more than 3,000 people had been arrested in the province between July 13-15, 1989 alone. Cheng Ming magazine estimated in September 1989 that 20,000 persons had also been arrested in Hunan province.

By September 10, 1989, China reported over 4,000 arrests nationwide, a figure which Amnesty International also cited in mid-August. According to Asia Watch, Western diplomats reportedly estimate 10,000 to 30,000 arrests nationwide in the course of the crackdown.

In its recent detailed report, Asia Watch stated that it had established the identities and documented the circumstances (where known) of more than of those attested by the Chinese authorities since last June on account of their Involvement In the prodemocracy movement. According to all independent estimates, this total represents only a small fraction of the true number of arrests, most of which have never been publicly announced by the authorities.

Official figures almost certainly give an inaccurate picture of the total number arrested. The shift in policy in late June from maximum publicity for arrests to relatively limited coverage certainly means that many more people have been arrested than government sources have publicly acknowledged; the full extent of the detentions is difficult to estimate, even taking into account unofficial reports. For example, the figures of "ruffians" arrested understate considerably the total number arrested, as the term "ruffian" is used to describe only those civilians who are alleged to have attacked soldiers, police or military equipment on the night of June 3-4. It would not include students and workers jailed for their political beliefs. Ii

The vast majority of those arrested appear to have been detained for non-violent actions, such as "spreading rumours," "shouting reactionary slogans" or "distributing counterrevolutionary handbills." Some of those arrested have been charged with acts of violence against troops, security forces and government property. In many cases the alleged acts took place in response to violent measures taken by troops and other security forces to suppress public demonstrations. It also appears that the official media, when reporting arrests, have focused on cases in which violence is alleged or in which some of those arrested are alleged to have previous convictions.

The government has gone to considerable lengths to denounce detainees who have allegedly engaged in violence or who allegedly have prior criminal records. The inference can be drawn that those not denounced in this way have done little more than peacefully exercise their rights to freedom of association, assembly and expression. The political nature of this repression is only too apparent.

Nor are the investigations, arrests and secret trials a thing of the past. The Washington Post (January 11, 1990) reported that widespread investigations of suspected participants in the democracy movement were continuing and that there had been unconfirmed reports of a number of arrests made recently on Beijing campuses. The same paper also quoted a Chinese source with access to internal legal documents who said that hundreds of persons have been sentenced in unannounced trials for divulging state secrets or engaging in counterrevolutionary propaganda, charges which would include distributing antigovernment leaflets or shouting antigovernment slogans. On January 17, the Post provided further details, citing "well-placed Communist Party sources" who said that more than 800 Chinese have been convicted and sentenced to prison in recent months for "counterrevolutionary" crimes in connection with the prodemocacy movement. Many were said to be sentenced to ten years in prison for their actions. The Chinese government has denounced the Post's report.

Although the Chinese government has condemned some reports of independent journalists and observers as wrong, it has signally failed to make public information that would allow the world to conclude whether its denials have any basis in fact. The failure to make known the fact of a persons detention and his or her whereabouts, secret "trials" or administrative sentencing proceedings and secret executions all violate fundamental standards of international law. Such information as has escaped the Chinese government's net of secrecy gives rise to serious concerns that all of these violations have occurred and are still occurring in China today. More than 8 months after the Beijing massacre, there still has been no independent public investigation into the killings. No official list of those killed has been published. In response to a reporter's question at a Foreign Ministry briefing, spokesman Yuan Mu stated that local governments and relevant units have made appropriate arrangements for those who were accidentally injured. The Chinese government has solicited opinions from the general public, including family members of those who were accidentally Injure, about the question of making public the name list of those who were accidentally Injured. A considerable number of people do not wish the name list to be made public. So the question of making public the name list still needs further consideration.

In view of its disregard for the privacy rights of its citizens, as witnessed in part by the extensive thought reform process and interrogations described earlier in this report, the Chinese government's claim, coming some 7 months after the Beijing massacre, that its continuing secrecy on the killings and injury since 3 June is because a vaguely defined "considerable number of people" wished to keep this information private, rings very hollow.

If the Chinese government wishes to prove to the world that, despite the clear evidence of widespread and continuing human rights violations, the reality is different, it must lift the veil of secrecy by making more information publicly available and by permitting independent international verification of its claims.

B. Treatment of Detainees

It is well known that torture and other forms Of maltreatment are pervasive in the Chinese authorities' treatment of detainees. It appears from the limited number of accounts that have been reported that the normal modus operandi of Chinese law enforcement, involving detention its appalling physical conditions and regular beatings to extract confessions, has been applied to many of those who have been arrested in the crackdown.

The number of accounts by those who have been tortured or who witnessed or heard about the torture of others continues to grow. However, it seems probable that many of those who have been released from detention are unlikely to talk publicly about their experiences for fear of further reprisals.

In the immediate aftermath of the massacre, the frequent television coverage showed detainees with clearly visible bruises and cuts. Pai Shing magazine (October 1, 1989) reported that beatings regularly formed the first step in the interrogation of many of those arrested in Beijing in the period from June to September.

The Hong Kong newspaper Ming Pao reported on July 20, 1989 that, after the poet Ye Wenfu was arrested, he was subjected to several rounds of severe beatings at the hands of soldiers, resulting in a number of attempts by the poet to commit suicide.

There have been many other similar cases. According to a Reuter report, quoted in the South China Morning Post of July 24, 1989, in many cases prisoners were being kept in extremely cramped conditions—40 to 60 persons in small, hot cells with so little room that the prisoners could not lie down. The report also recounted evidence of two sources that interrogations were sometimes preceded by beatings, giving the examples of student who was hit with an electric cattle prod and a writer who was bashed with rifle butts. Other detailed accounts of unacceptable prison conditions and -maltreatment of detainees have also appeared in the press (for example, The Nineties, September 1989,; Ming Pao Monthly, September 1989; Pai Shing, October 1, 1989; Pai Shing, November 1, 1989).

Both Amnesty International (in its 1987 report, China: Torture and Ill-Treatment of Prisoners) and Asia Watch (in Punishment Season) have provided substantial detailed information about the prevalence of reports of torture in China. Amnesty has identified means of torture in China to include beatings and suspension by the arms, the use of extremely tight handcuffs and shackles that lead to a loss of blood circulation, assaults with electric batons or cattle prods, confinement in box-like rooms, and solitary confinement. It describes conditions facilitating torture as including incommunicado detention, interrogation procedures, administrative detention, and the role of informal security units. In its recent report, Asia Watch refers to substantial evidence in the legal literature in China, notably in the Law Daily, describing how common beatings are and other forms of torture. Over one hundred cases are detailed in the legal reports that began to be published in Chinese journals in 1985 and ended last year. Indeed, it has recently been reported that the editor of Law Daily has now been replaced by a person more in tune with the current leadership's policies.

To demonstrate how few safeguards exist for prisoners, Asia Watch cited reports in Ming Bao that interrogations are normally conducted by the prison guards themselves, a common practice in China.

In the official Chinese press, however, a generally very positive article about Beijing Prison No. 1 acknowledges maltreatment of prisoners may occur, but explains that it is not a matter of policy: "Of course, some officers have been punished for beating and scolding the prisoners. But these are only individual cases"

Still, the fact that torture remains a problem is highlighted by the inclusion, in the new disciplinary rules for Procuratorial personnel announced by Xinhua on January 5, 1990, of a directive to obtain proof through investigation and a warning "not to extract a confession by torture."

C. Release of Prisoners

On 17 January 1990, the Ministry of Public Security said that 573 "lawbreakers" jailed for participating in the June unrest "have been released because during investigations they pleaded guilty and showed repentance." The announcement, reported by UPI (January 18, 1990), continued by noting that officials are seeking others to plead guilty and seek leniency. However, it appears that these "releases" are in many cases not unconditional and that many of the persons released were required to report on a regular basis to their local police stations. Moreover, the 573 represent only a small portion of those held in Chinese prisons and labor camps.

Another was Gao Xin, who had been one of the hunger strikers in Tiananmen Square and who had been arrested in June for his support of the students. He was released in late January 1990—never having been charged with any crime—because the investigation into his activities had now been completed.

Extracts from an Associated Press report (February 4, 1990) give some idea of the conditions of imprisonment in China. It highlights the fact that, despite having been released without charge, Gao is nonetheless subject to continuing penalties for his role in the prodemocracy movement, being unable to find employment in the state controlled labor market.

Gao says was strolling outside his fiancee's apartment on June 14 when an unmarked car stopped. Four men got out and told him to come along, he recalls.

He was taken to a small jail where prisoners were held for short periods before being tried or executed. There, he says, he shared a 90-square-foot cell with at least seven men at a time, most of them accused of crimes such as rape, murder or theft.

Only twice in his 6-month stay was he let out for exercise, he says. The cell had a small window, but the heat was overwhelming. The light was kept burning at night. No books or newspapers were allowed. Four men could sleep on a wooden platform that filled half the cell. The others slept on bedrolls on the floor.

Relatives could not visit. Gao's family was not even told of his arrest. His fiancee, Zhang Xiaomei, went from police station to station seeking news of his whereabouts, but was told each time, "We aren't clear." Only in October was Gao allowed to send her a postcard with a list of clothing and toiletries for her to bring to him. Guards took the package in to Gao.

But In other wan, he says, the guards treated him with courtesy not afforded the common criminals in his cell.

"The others got only two steamed rolls at lunch and dinner, but the guards gave me as many as I wanted, because they sympathized with me," he says. "I think they had consciences and a sense of justice."

The other prisoners were told to sit quietly, but Gao was allowed to pace back and forth, he says. He estimates he walked over 10 miles a day.

Gao was questioned only rarely, and was given no clue about his eventual fate. "The loneliness of the spirit was terrible," he recalls.

Gao was released on December 16, but two of his fellow hunger strikers, Zhou Duo and Liu Xiaobo, remain jailed, he says. The fourth man, Taiwanese pop star Hou Dejian, took refuge in the Australian Embassy and left in August with Chinese guarantees he would not be arrested.

Ordinary criminals freed from jail often are given their old jobs back to aid their rehabilitation. But Gao says that when he went back to Beijing Normal University, the school refused to let him resume work.

It did not formally fire him, either, meaning that in China's controlled job market he is not free to seek new work. So he is taking turns living with friends—Hou, Zhang and others.

"They told me to wait, so I'm waiting," he says. Meanwhile, Gao says he can no longer think of marrying Zhang: "What can I give her?"

Gao appears to be one of the "lucky" ones; many thousands still wait in prison, waiting for the time when they too may be told that the investigation into their conduct has now been completed while being denied the opportunity to have contact with their families, to know what the charges against them are and to seek some form of legal assistance to protect themselves, however ineffectually, against the both public and secret Chinese system of justice.

IV. TRIALS AND SENTENCING

Although it is likely that thousands of individuals are still being held in prisons incommunicado and without being charged while "investigations" are carried out, the authorities have also used the judicial system as a means of punishing those whom they consider were involved in or sympathetic to the prodemocracy activities.

In the immediate aftermath of the massacre there were a number of public pronouncements of sentences on defendants, many of whom were sentenced to death and executed under procedures which patently violated international human rights standards. These procedures are analyzed in detail in Massacre in Beijing.

These exemplary cases appear to be just the tip of the iceberg. United Press International, Citing a report in the state-run Beijing Daily, recently reported figures announced at a conference on China's courts detailing the number of trials resulting from alleged offenses during the prodemocracy movement (reported in South China Morning Post, February 11, 1990). The report stated that there had already been more than 203 criminal trials of persons accused of offenses stemming from the "counterrevolutionary rebellion" of spring 1989. In addition, the official compilation stated that the courts had also handled 3,549 involving "crimes of severely disrupting social disorder," representing an increase in this category of cases of 47 percent over 1988. The report did not give a detailed breakdown of the cases, but it seems highly likely that at least some of these cases involve the prosecution of individuals for their activities in support of the prodemocracy movement.

As is suggested above, it is suspected that many of those who have been arrested may have been sentenced in secret proceedings to imprisonment or "reform through labour."

To date there do not appear to have been any public trials of students involved in peaceful prodemocracy activities and many are still held in incommunicado detention. According to a UPI report dated November 15, 1990, student leader Wang Dan and 43 leaders of the democracy movement were then still being held in Qincheng prison, to be tried, according to an unnamed Chinese source, on "counterrevolutionary" charges.

Yao Yongzhan, a Hong Kong student studying in Shanghai, was arrested in Shanghai in the first half of June and was held in incommunicado detention for months. (Apart from receiving a visit from his mother at Christmas, he has been denied outside contact; the British Consulate-General in Shanghai has also been denied access to him.) By January 1990, he had still not had a charge formally brought against him nor had he been given the opportunity to obtain legal assistance.

Even though there have not been any public trials of students, the South China Morning Post reported on December 12, 1989, that there were secret trials of students being held and that some students had been sentenced to between 7 and 10 years imprisonment for their involvement in the prodemocracy movement.

There are disturbing indications that much of the punishment imposed on actual or suspected supporters of the prodemocracy movement has involved non-judicial measures, including loss of jobs and related benefits such as housing, and such administrative punishments as internal exile and reform through labour or reeducation. These actions have been the result of a deliberate policy by the leadership of the Communist Party to purge it and other institutions of those who might have opinions that challenge the ruling elite's power. That policy is described in section II above.

V. MORE OF THE SAME UNDER NEW LAWS AND PROCEDURES

As part of the martial law regime imposed on Beijing by the Chinese government in May and June 1989, the Beijing authorities issued a series of decrees that defined proscribed organizations and activities, that authorized state authorities to use "any" means to quell proscribed behavior, and that threatened participants in demonstrations and other aspects of the alleged "counterrevolutionary rebellion" to surrender voluntarily or else expect particularly harsh treatment if captured or turned in by others.

In the period since June the Chinese government, provincial and local authorities, at the instigation of the central government, have pursued two major courses of action:

(1) They have taken measures to apprehend and punish participants in the prodemocracy movement by carrying out extensive searches, arrests, trials, incarceration, and "thought reform" indoctrination/intimidation sessions.

(2) They have begun to codify the main features of martial law into national and regional laws and administrative regulations. The national government has adopted several new laws defining the registration of public organizations and laying down procedures for and limitations on the holding of public assemblies and demonstrations. Laws banning "harmful" publications have been also been adopted. Provincial and municipal authorities have in many cases adopted their own measures to implement national laws or the repressive policies embodied in them.

As a result of these actions, Premier Li Peng was able to announce the "lifting" of martial law on January 10, 1990, without substantially reducing the restrictions on rights already imposed on the Chinese people, and without reducing the already over-broad discretionary power of the state and party authorities to limit the enjoyment of fundamental rights and freedoms.

Li Peng's claim that the initial imposition of martial law was justified by the "counterrevolutionary rebellion" and that now the country had achieved "stability" that justified the lifting of martial law has received widespread international criticism. The aims of the prodemocracy movement were peaceful and well-defined (see Massacre in Beijing) and it is clear that the attempt to portray the peaceful movement as "turmoil" was little more than a tactic employed by the ruling elite in its struggle to cling to power at any cost.

The repression that continues—searches, arrests, incarceration, and thought reform—has been severe. These measures, in some cases in violation of Chinese law itself, have been now bolstered by very broadly defined legal prohibitions on all sorts of expressions of public dissent from the official line. There are few, if any, guidelines as to what is permissible activity, save those which the authorities choose to define as permitted at a given moment.

Organizations, activities, even thoughts are prohibited if they run Counter to the "four basic principles" in the Constitution: socialism, leadership of the Communist Party, Mao Zedong thought, and the dictatorship of the proletariat. Article 51 of the 1982 Chinese Constitution prohibits the exercise of rights guaranteed therein if they "infringe upon the interests of the state, of society, and of the collective, or upon the lawful freedoms and rights of other citizens." Article 54 prohibits acts "detrimental to the motherland."

The wide discretion granted to the government agencies which are now empowered to register social organizations or approve requests for assemblies, parades, or demonstrations means that the rights of expression and association do not effectively exist except where the authorities and the leadership of the Communist party specifically choose to permit it. Those who seek to form independent or unauthorized "autonomous" organizations risk persecution of various types, ranging from job dismissals and loss of certain benefits to arrest and lengthy incarceration, often without any charges being brought.

A. New Regulations for the Registration of Social Organizations

On October 31, 1989, Fan Baojun, vice-minister of the Ministry of Civil Affairs announced that new regulations on social organizations were approved at the 49th executive meeting of the State Council and took effect immediately. According to China Daily (November 1, 1989, in FBIS, same date), no social organization is now considered legal unless it is registered with the appropriate authorities. The Ministry of Civil Affairs and its departments have the authority to approve and disband social groups and, according to the article, will now begin to review the "qualifications and legality of existing organizations." Of approximately 100,000 organizations, some were said to present problems: some are reportedly too close to government departments, some underworld gangs have been revived, some have engaged in illegal business activities, and then there are those that have "already caused severe damage to the State and the party * * * such as the Autonomous Student Union of Beijing Universities which stirred up antirevolutionary rebellion * * * last spring."

Clearly, it is to avoid formation of such latter groups or others viewed as undesirable that the new regulation grants the government organization the power of approval and of continued review of the organization. A commentator in the official Renmin Ribao (November 9, 1989) explained that the new regulations guarantee the citizen's rights to freedom of association, but check "any abuse of such rights." Thus, legal registration as required by the regulation "is not only a manifestation of the right of association but also a concrete measure intended for its administration." The article acknowledges the importance of this ongoing activist role by drawing attention to the key issue of the regulation's implementation, and calls on all responsible government personnel to enforce the regulations "strictly."

The key question is indeed whether this law is designed to protect the right of citizens to associate freely with others, that is, to form associations as guaranteed in international human rights law (see, for example, the Universal Declaration and the International Covenant on Civil and Political Rights, which embody Customary international law standards) or to regulate and limit that right in accordance with the state's desire to promote the "four basic principles."

The timing of this new regulation—the first dealing with this subject since 1950—its approval almost simultaneously with a new law on demonstrations, and the power it confers on public authorities not only to approve registration but also to disband organizations if necessary, all suggest that the primary purpose of the new regulation is prohibitory, and that it is aimed at strengthening tale formal legal power of government authorities to control organizations.

The law thus appears to exceed international legal guidelines that call for no restrictions except those necessary in a democratic society (ICCPR, Art. 22). Monitoring the implementation of the law, as with the new law on demonstrations, will reveal more about its true purpose, but its very existence will no doubt have a chilling effect on freedom of association.

B. New Laws on Assemblies, Parades and Demonstrations

The new PRC "Law on Assemblies, Parades or Demonstrations" was passed on October 31 and promulgated immediately. [October 31, 1989, Xinhua News Agency, in FBIS, November 1, 1989]

Like the regulations on organizations noted above, the new law contains substantial restrictive provisions. It claims to simultaneously protect citizens right to assemble and "to safeguard social stability and public order."

At the outset the law sets forth the obligation that citizens who exercise the right to assemble, parade or demonstrate must not violate the basic principles in the Constitution "nor infringe upon the interests of the state, society and collectives." These interests are, however, not defined with any specificity and there is no indication that they will be interpreted narrowly in accordance with international standards which require a clear demonstration of the need for restrictions on these rights. The remainder of the law defines the procedure for obtaining permits for assemblies and demonstrations. The law formally vests the power to decide these matters in "public security bureaus" throughout the country.

By specifically noting that no permits are needed for certain events such as state-approved celebrations and commemorations, and by exempting religious, sports, and recreational organizations, the text itself emphasizes the fact that law's concern is to limit the public expression of political, social, and labor demands by groups whose views are not in accordance with those of the authorities.

To apply for a permit, a written application must be lodged with the relevant authority; the application must include detailed information on matters such as the specific slogans and placards to be used, as well as more usual items such as location, routes, etc. Specific individual sponsors must provide their names and addresses with the applications for a permit and they are criminally liable if the demonstration exceeds permissible bounds. They are even required, for example, to "strictly prevent other people from joining in" their demonstration. The authorities are required to respond to the application within a specified time period, no later than least 2 days before the planned date of the event. If the authorities consider that a change in venue is warranted for traffic or other reasons, they have the power to eke the change. A procedure is laid under which an applicant can seek review of a rejected application.

Further prohibitions are detailed: neither non-residents nor foreigners can start, organize or participate in demonstrations. Moreover, an array of state offices or facilities may be cordoned off as off-limits for demonstrations ("state organs, military organs, radio and TV stations, foreign embassies * * * and other units"). Unless the State council or local government authorities specifically approve, assemblies are not allowed within 10 to 300 meters of key government offices, military installations, and air, rail and sea ports.

Should they consider that there is a threat to public security or social order, police officials are granted the specific power to disperse the demonstration and to use "the necessary methods in accordance with the relevant regulations" (including use of force) to disperse the crowd or detain participants. Punishments for violation of the law may range from 15 days detention to longer, unspecified periods in accordance with criminal law provisions. Public security officials specifically "have the right to detain or send back by force" any non-resident demonstrators.

The law also provides for the option of punishments of up to 5 years' imprisonment for "ringleaders" who "disturb social order" in a demonstration to such an extent that work or education cannot continue and "the state and society suffer serious losses," as well as for those "ringleaders" who block or undermine "traffic order" and/or cause other specific disruptions. The law states that any participant who "violates gun control regulations" faces a maximum term of imprisonment of 2 years imprisonment.

Subsequent "Procedures" have been adopted in Beijing and Shanghai to implement the law. In Beijing, Xinhua reported that "the new procedures clearly and definitely stipulate that without the approval from the State Council and the Municipal People's Government, no one is permitted to hold assembly, parade, and demonstration in Tiananmen Square."(December 28, 1989, in FBIS, December 29, 1989) In Shanghai, similar restrictions apply to the People's Square and the Bund. [Zhongguo Winwen She, January 9, 1990, in FBIS, January 10, 1990]

The intent of the Law on Assemblies, to institutionalize martial law prohibitions and prevent a recurrence of the spring's prodemocracy demonstrations, was made plain at a forum in Beijing, as reported on the "National Hookup" program on Beijing Television Service. (November 28, 1989, in FBIS, same date) There, legal experts explained that the law "is of utmost significance for Consolidating and developing the political situation of stability and unity," terms used repeatedly by Li Peng and others to characterize the post-martial law period. The jurists explained that a one-sided emphasis on the individual's right to demonstrate is harmful to the "interests of the state." They referred further to those who whipped up turmoil and "counter-revolutionary rebellion" in this fashion in Beijing, and declared that the implementation of the new Law on demonstrations "is a major political event in the political life of Chinese citizens" which must become well known to everyone.

The restrictive nature of the national law and the municipal laws implementing it is plain. The purpose of the laws is clearly to vest the authorities vested with substantial power to prevent demonstrations rather than to ensure that citizens can exercise their right to demonstrate subject only to such restrictions as can be shown to be "necessary in a democratic society." The powers granted are broad, the definitions lack specificity, and criminal penalties can be substantial. Like the new law on social organizations, this law will undoubtedly have a chilling effect on public expression and association rights in the PRC.

C. Denials of Permission to Assemble

These legislative schemes, purportedly for the orderly "regulation" of the right to assemble and demonstrate, will do little more than provide a cloak of legality for the denial of the enjoyment of citizens rights to assembly, association and free expression. This is clear from the way the authorities have dealt with applications made under these and previous laws.

According to the South China Morning Post (January 3, 1990), student groups in Beijing and other cities had applied in December for permits to hold demonstrations. The authorities are reported to have rejected these applications. The South China Morning Post also reported that in early January 100 students at the Beijing College of Aeronautics attempted to bicycle in a group off campus in a silent show of support for the uprising in Romania, but were stopped at the gate (January 6, 1990). Similar efforts at two other universities were also reported. According to the

Post, one source said that security forces had been authorized to shoot if necessary to stop students from marching off campuses.

D. Repressing Workers' and Their Organizations

As explained in Massacre in Beijing, members or supporters of independent workers associations have been subjected to many instances of government repression since June 1989. The Beijing Workers' Autonomous Federation ("BWAF") has been a prime target. The BWAF, formed in May 1989, was part of an attempt to establish autonomous workers' groups independent of the government-sponsored All China Federation of Trade Unions. The BWAF claimed to represent workers in more than 40 industries in Beijing and supported many of the students' goals.

The BWAF was declared illegal by Martial Law Decree No. 10, issued on June 12, 1989. Some of its leaders and members were subsequently arrested and detained; some are on "wanted" lists; some have been tried and executed. The government's campaign of suppression has also extended to workers' organizations in other parts of the country.

On November 14, 1989, the governing body of the International Labor Organization (ILO) adopted a complaint (case 1500) alleging violation of trade union rights in China. In it, the ILO's Committee on Freedom of Association requested detailed information from the government about the reasons for its actions against the BWAF and other workers. Among the data the ILO requested are information on the specific activities of the BWAF that the government considers contrary to the constitution and national laws, the circumstances surrounding the deaths of workers on June 3-4, the procedures and precise grounds for the death sentences and executions for a number of workers in Shanghai, the reasons for arrests of BWAF leaders, for placing their names on "wanted" lists, and the nature and outcome of various legal proceedings against a number of different workers.

Workers have experienced very substantial repression since the Beijing Massacre. As detailed in our earlier report, in ILO materials and in the recent report by Asia Watch, workers form the largest proportion of known detainees, suffer harsh prison conditions and torture, and some have been summarily executed. Further, according to scholars specializing in Chinese affairs, one of the greatest concerns of the present Chinese leadership is the fear of a "Solidarity-like movement in China. Some have argued that the intensity with which they hold this view led to even sharper repression against workers and newly autonomous labor organizations than against other social groups.

The new decrees on public organizations and on the right to demonstrate will no doubt be directed to outlaw independent trade unions and workers' organizations in China.

E. Muzzling of the Press

The authorities followed the massacre with an extensive purging of journalists and editors who were believed to be sympathetic to the prodemocracy movement and many "subversive" publications were closed down. Our earlier report detailed a number of those actions.

The repression has continued. In December 1989 the New China News Agency ("NCNA") reported that some 400 publishers were to lose their licenses. In many cases the reason far the withdrawal of the licenses is that these publishers diverged from the Party line before the June crackdown or have done so since that time. The measure was described by the NCNA as the enforcement or a recent series of government directives aimed at "rectifying China's book market," the official jargon for the campaign to control media accused of ideological deviations during the spring prodemocracy movement.

The assertion of control has also taken the form of new legislation in some areas. On November 26, 1989, in Shanghai, for example, the Shanghai Municipal People's Government adopted provisions restricting the circulation of "harmful" publications. The provisions deal, among other types of publications, with "reactionary publications" (art. IV). "Reactionary publications" are defined as those which "oppos[e] the people's democratic dictatorship and the socialist system, and include publications containing material of the following sorts:

1. Opposing the Communist Party of China;
2. Attacking the People's Republic of China and opposing taking the socialist road;
3. Attacking and vilifying the people's democratic dictatorship;
4. Denying the guiding position of Marxism-Leninism and Mao Zedong Thought; and
5. Seriously distorting historical facts, advocating division of the state and people, and vilifying the Chinese people.

The sanctions for those who produce or publish such publications include, in addition to the confiscation of published material and income derived from it, being handed over to public security departments for education through labor; their units can be subject to fines; and those guilty of criminal offenses are to be handed over to the prosecutorial authorities for prosecution.

Measures to purge the press of "undesirable elements" have also been reported in other parts of the country. Ming Pao (January 13, 1990; FBIS, January 16, 1990) reported that "working groups" (whose task is that of "rectification") had been stationed in a number of press organizations in Guangzhou and Shenzhen. Editors and staff of a number of organizations are being "examined" and required to write self-examinations and statements giving details of any participation in the prodemocracy movement. A number of organizations have been closed "for the time being," pending rectification.

In February the official media continued the attack on demands for a free press. The People's Daily (February 15, 1990) accused the Chinese media of failing the party during the spring prodemocracy movement by "allowing the rotten ideology and way of life of the bourgeois class to corrupt the soul of the people." The article stated that it is "strictly forbidden to deviate from the principles of the party" and that critical articles should be secondary to positive reporting. "Total control must be maintained," it stated. (Associated Press, February 15, 1990)

F. Further Restrictions on Journalists

A. Foreign journalists.—In late January 1990 new regulations on foreign journalists residing in the mainland were announced. Although in large measure the restrictions are already on the books, a number of them have not been fully enforced. The announcement of "new" regulations to limit "foreign interference" in China's "domestic affairs," is significant in that it clearly manifests the intention of the authorities to exert even more control over foreign journalists who venture to be critical of China in any way.

The new restrictions, intended to replace the martial law restrictions on foreign journalists news gathering activities, provide that "foreign journalists may not engage in those activities deemed harmful to the public interest." As the China News Agency (Taiwan) puts it, "translated into simple English, that means any foreign journalist who reports anything bad about [China] is subject to censure, detention and expulsion."

Peking has always restricted the movement and activities of foreign reporters. Technically, they have been required to obtain permits to travel and must have their agendas and topics approved in advance. Unauthorized interviews with individual citizens or others are banned. Foreign news agencies are also not permitted to hire local staff freely, but must accept persons provided by the government.

B. Hong Kong/Macao.—The Chinese authorities have singled out the Hong Kong and Macao media for particularly restrictive treatment, apparently in retaliation for the detailed and often unfavourable coverage of the events of last year. On October 26, 1989, a spokesperson for the Hong Kong and Macao Affairs Office gave details of new procedures which had to be followed by Hong Kong and Macao journalists who wished to come to the mainland for reporting.

The requirements imposed are clearly designed to frustrate independent and timely reporting of events in China and to subject the activities of Hong Kong and Macao journalists to tight administrative control. The journalists are required to submit an application and a certificate of appointment issued by their news organization to the Hong Kong branch of the New China News Agency, China's "unofficial embassy" in Hong Kong. The application is required to contain details of their planned itinerary, the topics they wish to raise in interviews, the names of people they wish to interview.

The regulations also provide that if the reporters, after obtaining approval, wish to report from Beijing or pass through Beijing on their way to other places, they are required to register and apply for an interview permit with the All-China Journalists Association. Journalists going to a number of other regions are also required to seek reporting permits from the local branch of the Journalists Association.

There are other restrictions as well, all of which are designed to impede the access of Hong Kong and Macao journalists to China and thus to restrict the two-way flow of information that that access brings with it. The Vice-Chairman of the Hong Kong and Macao Affairs Office admitted during a November interview with Hong Kong reporters that there was a connection between the promulgation of the seven restrictions and the coverage of the prodemocracy movement by the Hong Kong press. He was of the view that the Hong Kong press had ignored martial law restrictions in Beijing and failed to observe the general rules restricting the movement of journalists throughout China.

The Chinese authorities have also singled out a number of Hong Kong magazines and banned their journalists from entering China to cover even Hong Kong related events such as the proceedings of the committee drafting the Basic Law for Hong Kong after its reversion to Chinese rule in 1997. On two occasions applications by reporters from Pai Shing Semi-Monthly and Contemporary magazines to cover the two Basic Law drafting meetings held this year both have been turned down. The reason given by senior NCNA officials for the denials was the magazines editorial line and viewpoints.

VI. The Lifting of Martial Law

On January 10, 1990, the Premier of the State Council, Li Peng, signed an order lifting as of January 11, 1990, the martial law which had been imposed on parts of Beijing in May 1989. The decision was announced amidst a welter of self-congratulation and self-justification, reiterating the official line that the initial imposition of martial law had been necessary and justified and that it was the brave actions of those who put down the "counterrevolutionary rebellion" which had brought about the stability that now made it possible to lift martial law.

The Chinese government has made much internationally of its lifting of martial law in Beijing. However, it would be a mistake to view this as anything other than a cosmetic measure. The ad hoc martial law restrictions have been largely replaced by an extensive system of legal and administrative control, both in Beijing and throughout the country. These measures include restrictions on the formation of organizations, on demonstration and assembly, on "subversive" publications and other activities that might permit the public expression of a voice opposed to those who currently hold power. In a number of instances the new regulatory measures prohibit absolutely activities protected under international human rights guarantees or make them illegal if the approval of the relevant authorities—who possess a broad, unreviewable discretion to be exercised no doubt in accordance with current political dictates—has not been obtained.

After Li Peng announced the order rescinding martial law in accordance with the provisions of the PRC Constitution, State radio followed with a concert of decidedly martial music. That symbolism was not accidental. It reflects the institutionalized repression that is prevalent in China today: martial law without the uniforms.

The most visible sign of martial law was the presence of armed troops throughout Beijing. When martial law was rescinded, news reports noted that troops and armed police marched off Tiananmen Square promptly at midnight. However, The South China Morning Post reported that on the next day, before noon, about 1,000 troops were camped on the east side of the Square.

Officially, maintenance of public order in the Square and elsewhere in the capital is now the responsibility of the public security police and the armed police, as affirmed by top government spokesman Yuan Ma (January 11, 1990, interview with Zhongguo Winwen She). But again, the shift of formal responsibility does not mean a real change for Beijing.

Press reports have indicated that members of the armed forces had been given commissions in the armed police during late 1989. The New York Times reported on February 15, 1990 that "one of three military regiments still in the capital has been turned into a police regiment. Soldiers in the other regiments nominally remain in the army but have been given police uniforms to wear when they go in public."

Despite the lifting of martial law, troop presence in and around Beijing is still being maintained at high levels. According to UPI (January 11, 1990), Western intelligence sources reportedly stated that up to 15,000 soldiers from other regions remained in Beijing to reinforce Beijing's normal troop garrison. The normal Beijing garrison is estimated to be around 60,000 troops. (About 150,000 out-of-town troops were in Beijing at the height of the crackdown last year.)

The significance of the presence of out-of-town troops is clear from the events of last June. According to Yang Baibing, a senior leader of the People's Liberation Army in a speech made in Beijing in December 1989, some 1500 members of the Beijing-based 38th Group army either refused to take orders or left their posts during the military assault on Beijing in June. These soldiers included the commander, 110 officers and 1400 soldiers of the 38th Army (South China Morning Post, December 28, 1989). China Premier Li Peng acknowledged in late November that "shortly after the declaration of the state of emergency * * * individual soldiers did not completely understand the operations * * *" but asserts nonetheless that the Army itself indeed obeyed the Communist Party's orders.

It was widely believed in the summer that the government had brought into Beijing large numbers of troops who came from other areas of the country precisely because they would more readily follow government orders to take repressive measures against the local Beijing population.

The announcement that there is now "stability" rings hollow in the face of so substantial and pervasive a continuing repressive apparatus. Thus, while the Chinese press spokesmen highlight stability as "more important than anything else," they also acknowledge that the fight is not yet completely over and there remains a need to continue strict measures of social and political control. For example, the need to remain "vigilant" was highlighted in the official Renmin Ribao editorial just after martial law was lifted: The lifting of martial law does not mean peace and tranquility across the land. A handful of stubborn bourgeois liberals at home are not reconciled to their defeat. After our victory * * * and the lifting of martial law, we must not lose our vigilance. We should carry out a thoroughgoing education and struggle in opposing bourgeois liberalization.

Such attacks on "hostile forces" and "anti-Party elements" have continued to be reinforced by efforts to purge a wide variety of party and public organizations as described above.

Furthermore, the authorities continue to hunt actively for leaders of the prodemocracy movement who have so far managed to elude capture. In early January 1990 Chinese border defense units in Zhuhai were reported to have stepped up the search for three student activists who were believed trying to escape to Macao. An unsuccessful attempt, during which shots were fired, was made to capture the students (South China Morning Post, January 6, 1990). It was later reported widely in Hong Kong papers that these students included Chai Ling, one of the Tienanmen protest leaders, and that she was captured but escaped.

Borders have been sealed and efforts continue to close prospects for illegal exit from the country. Beijing's China Daily reported that during the first 9 months of 1989 border officials had successfully stopped over 400 people from leaving the country with false papers (December 16, 1989, in FBIS December 28, 1989) and that they would take further steps to stem this flow.

The lifting of martial law is certainly no significant concession to those who had been claiming their right to enjoy the rights guaranteed to them under international human rights law. Thousands are still in prison or undergoing reform through labour. Hundreds of thousands have been subjected to thought policing. Thousands have been and are still being persecuted because of their political opinions. All of these hapless victims of continuing Chinese repression expose the lifting of martial law for the largely empty gesture that it is.

Whether martial law is in force in Beijing or not, the concentration of power already in the hands of party officials is overwhelming. As detailed in Massacre in Beijing, the criminal justice system—from arrest through what are often summary trials without a semblance of the due process guarantees international law calls for—has been molded into a model of repression. The absence of a rule of law is illustrated well by the ease and speed with which the death penalty may be invoked. Further, the fact that prisoners remain incommunicado and without having charges brought against them reveal a system in which abusive practices appear to be the norm. Law and justice are not only subordinated to the party's leaders, but this is trumpeted by leading officials, such as the President of the Supreme People's Court, as the way things should be.

The martial law decrees provided before government authorities with the power to use "any method" to enforce their provisions. Even on the face of it, this is a dangerous and unbounded authorization for the use of "official" force on behalf of the state.

The martial law decrees forbade a wide variety of nonviolent activities from protests, to strikes, to delivering unauthorized speeches or preparing handbills, to attacks on broadcasting facilities, party or government leaders, or foreign diplomatic missions. They declared several independently organized student and worker organizations to be organizers of the "counterrevolutionary turmoil."

The decrees also called upon lawbreakers to turn themselves in to authorities—in return for leniency—with the promise in decree after decree of more severe punishments for those who do not do so. Citizens are encouraged to inform on others or turn them in.

The lifting of martial law has not reversed the practical effect of the martial law decrees that outlawed independent worker and student organizations with peaceful objectives. Apparently, those organizations continue to be unlawful. The lifting of martial law does nothing to bring back those who have been killed or secretly executed because of their role in these organizations. Nor can it bring much solace to those still languishing in prison whose best hope appears to be that, if they confess their "guilt," they may one day be released.

Moreover, new national and local laws have been adopted that sharply limit the activities of organizations, the right to freedom of assembly and to demonstrate, thus ensuring extensive additional legal and administrative control over potential opponents of the dominant elite.

VII. The Claim That Violations of its Citizens' Rights are Solely an Internal Affair

Since the Beijing massacre, in response to the inquiries and expressions of concern by governments and various United Nations bodies the Chinese government has repeatedly argued that the massive violations of its citizens rights which it has perpetrated and continues to commit are something with which the international community has no right to be concerned and that any and all criticism is illegitimate.

Such a claim is completely at odds with the well established body of international human rights law and practice, and is inconsistent with the actions and rhetoric of the Chinese government when it comes to the condemnation of countries whose human rights record it finds objectionable. For these reasons, China's claim is simply untenable.

As a member of the U.N., China has obligations to respect the human rights of its citizens under the U.N. Charter. Moreover, the provisions of the Universal Declaration of Human Rights, many of which have become part of customary international law, extends these obligations.

Under articles 55 and 56 of the U.N. Charter, China assumed an obligation to take joint and separate action "to promote * * * universal respect for, and observance of, human rights and fundamental freedoms for all." Further, one of the four purposes of the U.N. (article I(1) of the charter), is to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all.

At the U.N. General Assembly, on December 8, 1988, during a solemn commemorative meeting devoted to the 40th anniversary of the Universal Declaration of Human Rights, the Chinese representative, Mr. Ding Yuanhong, clearly affirmed the significance of the Universal Declaration. He stated that: The significance of the Declaration lies in its reflection of the aspiration of the world's people for equality and freedom. Its influence has increased with the continuous enrichment and development of its original content * * *

Additionally, China has voluntarily become party to a number of international human rights treaties. In so doing, it has voluntarily agreed to adhere to certain international standards regarding the treatment of its own citizens. Among them are the International Convention on the Elimination of Racial Discrimination (ICERD) (1981), the Convention on the Elimination of Discrimination against Women (CEDAW) (1980), the Convention Against Torture and Cruel, Inhuman and Degrading Treatment or Punishment (1988), and the Convention Against Genocide (1983).

In becoming party to these treaties, China has voluntarily taken on certain substantive obligations regarding its own human rights practices, as well as accepting the international supervision of its human rights performance. Each of the treaties mentioned above establishes measures for the international examination of the practices of states parties that violate the obligations of the treaty.

Further, the obligations that a party to the treaty accepts are not narrowly defined. For example, in article 5 of the International Convention on the Elimination of Racial Discrimination (CERD), governments undertake to guarantee a range of basic civil, political, economic, and social and cultural rights to their citizens on an equal basis before the law. The treaty's supervisory monitoring committee, the Committee on the Elimination of Racial Discrimination (CERD) has followed the practice—and states have accepted this practice—of examining the broad issue of state's respect for the rights listed in article 5 for all citizens in the state. Thus, China is expected not only to avoid discrimination against its citizens on the basis of race, but also to ensure most of the fundamental civil and political rights in the universal Declaration and the Covenant on Civil and Political Rights to all its citizens.

The People's Republic of China has taken its place as a full member of the international community in the human rights bodies of the United Nations. It is a member of the Economic and Social Council and the Commission on Human Rights. A Chinese national has been elected to the Subcommission on Prevention of Discrimination an Protection of Minorities.

As a member of the U.N. Commission on Human Rights, China has repeatedly throughout the 1980's acknowledged the right of the international community' to scrutinize human rights conditions in particular countries by voting in favor of resolutions that dispatch U.N. investigators to examine human rights conditions in particular countries. It has voted in favor of such resolutions for South Africa (which it sometimes even sponsors), for Chile, and Afghanistan, and has joined the consensus on El Salvador, Guatemala, Burma, and Cuba. While it has sometimes chosen not to participate in such votes (on Iran, for example), it has more commonly taken a position for or against country-specific resolutions (on Romania, for example) calling for a special rapporteur to investigate.

China has responded to expressions of concern over its human rights practices by various international mechanisms and private organizations. For example, the U.N. Special Rapporteur on Summary and Arbitrary Executions, Amos Wako, has corresponded with the Chinese Government a number of times. In 1988, the Government replied to him, concerning killings in Tibet. Earlier in 1989, three Special Rapporteurs (those examining Religion, Torture, and Arbitrary Executions) addressed letters of concern to the Chinese government—and China replied.

Further, China has repeatedly indicated its support for the actions and inquiries about human rights conditions by the Special Rapporteurs of the Commission on Human Rights by joining in the consensus on resolutions concerning the activities of these specialized "enforcement" mechanisms. For example, at the 1989 session of the U.N. Commission on Human Rights, China joined the consensus resolution critical of those countries that do not reply to the inquiries of the U.N. Special Rapporteurs, thereby confirming both the importance and the validity of such scrutiny.

VIII. CONCLUSION AND RECOMMENDATIONS

In our earlier report, the International League and the Ad Hoc Group addressed a number of recommendations to the People's Republic of China, the international community and the United Nations. The Chinese government has in large measure failed to respond to those recommendations, many of which have also been made to it by governments, non-governmental organizations and intergovernmental bodies. The failure of the Chinese government to respond and the new phase of the repression makes nearly all of those recommendations just as pertinent today as when they were first made in August 1989.

We recall again that China, as a member of the United Nations, its Commission on Human Rights, and a party to many United Nations human rights treaties, has an obligation to extend to its Citizens the human rights guarantees enumerated in the Universal Declaration of Human Rights and other relevant treaties. We urge the Chinese government to accept fully the responsibility it has undertaken as a member of the community of nations.

We call on the government of the People's Republic of China:

1. (a) Immediately release those detained and arrested persons who peacefully exercised their fundamental rights of political expression or association in connection with the prodemocracy movement in China.

(b) Cease further investigations, arrests, and repressive measures against other persons said to be connected to or involved in those events.

2. In relation to those detained in connection with the prodemocracy movement and the events of June 3-4, the Government should:

(i) ensure that the rights of those detained, accused, charged or tried on capital charges are fully protected in accordance with relevant international standards of due process;

(ii) cease utilizing expedited or summary trial proceedings in all cases especially in capital cases;

(iii) ensure that detainees are not held incommunicado, but are granted prompt access to their relatives and to legal assistance; and

(iv) make public the names, reasons for arrest and the whereabouts of those detained in connection with the prodemocracy movement, and bring such persons to trial on recognizably criminal charges or immediately release them.

3. Take immediate steps to put an end to the torture and other ill-treatment of persons in detention.

4. Immediately undertake a series of remedial and preventive measures to protect the internationally guaranteed rights of its citizens and to ensure that the violations that have occurred to date will not be repeated--in particular to repeal laws and abrogate practices which justifiably limit its citizens' rights to freedom of expression, association and assembly.

5. Provide a full and public accounting of the fate of those who died during the events of June 3-4, 1989 and their aftermath, including, where necessary, providing family members with access to an adequate autopsy, as provided for under interna-

tional law. Further, the Government should also take steps to ensure that individuals making enquiries into the whereabouts of family members are not subjected to reprisals as a result of their inquiries.

6. Allow independent observers free access to China in order to:

(a) investigate conditions in that country following the tragic events of June 3-4, 1989;

(b) visit persons detained or imprisoned as a result of the campaign of suppression of the prodemocracy movement and those who have been recently released; and

(c) attend and observe their trials.

7. Respect the rights of its citizens to freedom of thought and expression by putting an end to the widespread campaigns of "thought rectification" of those who supported the goals of the prodemocracy movement.

RESPONSES BY MR. EAGLEBURGER TO QUESTIONS ASKED BY SENATOR PRESSLER

IRAN-CHINA MILITARY TECHNOLOGY AGREEMENT

On January 21, 1990 Reuters reported that the Iranian Defense Minister and the Chinese Science and Technology Council signed a 10 year "military technology transfer agreement."

Question. Can you assure the Committee that nuclear weapons, ballistic missiles or missile technology will *not* be transferred?

Question. Can you assure the Committee that the Chinese Science and Technology Committee does *not* have connections to the Chinese nuclear or ballistic missile programs?

Answer. [Deleted.]

M-9 MISSILE UPDATE

Question. What do you say to the Aram newspaper account out of London claiming that the Chinese have reassured the Syrians that the M-9 deal is still on?

Answer. [Deleted.]

RESPONSES BY MR. EAGLEBURGER TO QUESTIONS ASKED BY SENATOR MACK

Question. Do you agree with Martin Lee that the pace of democratization in Hong Kong must be sped up, and that that pace must be increased whether or not China agrees?

Answer. This is a question that will be determined by the U.K., China and Hong Kong. The pace of democratization in Hong Kong before 1997 will be determined by the people of Hong Kong and the Hong Kong government, and influenced by diplomatic consultations between the British and Chinese governments.

In response to the Basic Law draft recently presented to - the National People's Congress, which provides for the gradual, partial democratization of Hong Kong post-1997, British Foreign Secretary Douglas Hurd has said that Britain views the future constitution as less than ideal but still sufficient to commend to Parliament and Hong Kong.

Question. Is the United States going to assert its own policy towards Hong Kongl taking into account our own substantial economic and moral interest, or are we simply going to let Britain take the lead?

Answer. The United States has maintained its own policy towards Hong Kong for many years in support of continued prosperity and stability for the people of Hong Kong. If your question refers to matters covered in the 1984 Joint Declaration, since the United States is not a party to the Declaration, in those matters Britain must take the lead. [deleted.]

RESPONSES BY MR. EAGLEBURGER TO QUESTIONS ASKED BY SENATOR HELMS

Question. The Miami Herald reported on January 7, 1990 that the PRC had refused press credentials to its reporter, Michael Browning. The Herald also reported that the Chinese have refused to allow a replacement for AP reporter John Pomfret who was expelled last summer and they have rejected a New York Times reporter who wished to fill in for a colleague who went on vacation. Have you raised this issue with the Chinese? If not, why not? If so, what was their response?

Answer. We have in the past interceded on behalf of American news organizations on numerous occasions, and we are prepared to do so again.

Embassy officers in Beijing have urged Chinese officials to renew Mr. Browning's visa on at least four occasions since the beginning of the year, unfortunately without success.

We were also informed that AP was experiencing difficulties in reaching agreement with the Chinese Government on a replacement for Mr. Pomfret. AP did not request U.S. Government assistance.

The New York Times neither informed us of problems nor asked for assistance.

Question. Over the past 3 years the Chinese have expelled reporters from the Voice of America, New York Times, AP, Agence France Presse, the Japanese news agency, and a Dallas, Texas newspaper, just to name a few. Why have we not retaliated?

Answer. Our Ambassador and other Embassy officials have frequently intervened strongly on behalf of American journalists, protesting expulsions and urging reconsideration. (We would not normally respond to any country's expulsion of a non-U.S. citizen journalist representing a third country's news media or press organization.) We have told the Chinese Government, publicly and privately, that expulsion of journalists for reporting accurate but unpalatable information violates international standards and damages our bilateral relationship. Following the expulsion of VOA's resident correspondent last June, our approaches to the Chinese authorities recently resulted in their agreeing to accredit a new resident correspondent for VOA.

We do not normally protest when journalists are expelled for violations of their visa status: that is, they enter the country as tourists but are conducting fulltime journalistic work. We would not permit that in the United States, and have few grounds on which to oppose Chinese enforcement of their visa regulations.

Decisions on whether to retaliate by expelling journalists from a country that expels ours are made on a case-by-case basis, taking into account both the effect on treatment of American reporters and the desirability of preserving a flow of information to the other country. Since last June we have considered it vitally important that the Chinese leadership receive the greatest possible amount of information on the reactions of the American people to events in China. However, we certainly reserve the right to take reciprocal action in the future. We hope the need to make such decisions will not arise again. If it does, we will continue to base our decisions on conditions at that time.

Question. Has the Department of State received any information, formally or informally to the effect that the PRC has begun to provide funding to the New People's Army by way of the Philippine union movement?

Answer. We have received unconfirmed reports that China may be interested in providing financial support to the Philippine May 1 Movement (KMU)—a labor federation believed to have ties to the Communist Party of the Philippines. We have nothing to confirm that the has in fact recently received funding from China. Reports that the continues to experience financial difficulties would appear to indicate that Chinese funding has not been forthcoming.

As China strives to improve its relations with member states of the Association of Southeast Asian Nations (ASEAN), we do not believe it would jeopardize progress made in recent years by financing an armed revolutionary group in a member state.

Question. Section 901(b)(7) of the State Department Authorization bill calls for the President to urge the PRC to live up to the 1984 Declaration on Hong Kong. It also calls on the Secretary of State to urge the British government to promote democracy through direct elections. If the bill becomes law, does the administration intend to follow our policy guidelines?

Answer. We have consistently said in the past that support for the 1984 Joint Declaration is the best way to encourage confidence in Hong Kong, and we have called on the British and the Chinese to take the necessary steps to implement it to achieve that end. The administration believes that the sense of the Congress expressed in Section 901(b)(7) generally conforms to this policy, which we shall continue to pursue.

Question. The Hon. Martin Lee, a distinguished Member of the Hong Kong Legislative Council, has presented written testimony to this Committee on the 1997 issue. The testimony refers to the Basic Law drafting process as a "Beijing-controlled farce" [p. 2] and notes that according to Beijing's decision of January 19, Hong Kong will never have one-man, one vote. Do you plan to raise this issue with Beijing? Why not?

Answer. The 1984 Joint Declaration provides that the PRC National People's Congress shall enact and promulgate a Basic Law of Hong Kong. The Basic Law Drafting Committee consists of 36 representatives from the PRC and 23 representatives from Hong Kong. The Basic Law draft presented to the National People's Congress in February provides for direct election of 20 of the 60 members of the Legislative

Council by 1997, with the rest to be indirectly elected or appointed. The Basic Law draft provides for a gradual increase in the number of directly elected members, with a review after 2003. It is too early at this time to say whether or when Hong Kong will have one-man one vote. It is in the U.S. interests to promote democracy world-wide.

Question. The U.N. Commission on Human Rights is now meeting in Geneva. In the past the united States has made special presentations against certain countries such as Cuba. In the light of the State Department's own human rights report on china and the other material available, does the united States intend to make a special presentation on China and work for condemnation in the Commission?

Answer. In last year's session of the united Nations Human Rights Commission, the United States gave a speech directed solely at the human rights situation in Cuba because Cuba was considered separately, under a specific agenda item. This year, Cuba and China are both being considered under agenda item 12, which covers human rights problems anywhere in the world. The United States thus is not planning a separate presentation specifically on china.

Question. Why not?

Answer. So far, the United States delegation has made various statements in Geneva on human rights problems in China, including Ambassador Abram's precommission press conference and his statement under the agenda item on self-determination. Publicly and privately, we have clearly stated our concern regarding the human rights situation in China, particularly the events there during the spring and summer of last year and the aftermath of those events. In addition, Ambassador Armando Valladares, the head of the United States delegation to the Human Rights Commission, is making a speech under agenda item 12 on violations of human rights anywhere in the world, and I assure you that China will not be neglected in the United States remarks.

At the same time, a number of Commission member states, including the United States, are working closely to show their common concern with the human rights situation in China through a substantive resolution that can gain the broadest possible support in the Commission. We feel that these collective efforts are the most appropriate and effective way to use this forum to maintain international attention on the human rights situation in China and exert international influence on the Chinese government to improve that situation. Thus, rather than a "special presentation" on China, we are directing our efforts toward collective action to pass a resolution which we hope will bring improvement in the situation there.

ARMS SALES TO PAKISTAN

Question. The Washington Times of December 14, 1989 quotes Rosemary Gallant, and economist in the Department of Commerce's China office as saying that the 1985 United States-China agreement on nuclear cooperation is "on hold" because the administration has failed to certify China is not involved in the proliferation of nuclear weapons. Is this true?

Answer. [Deleted.]

Question. Why has the administration failed to make such a certification?

Answer. [Deleted.]

Question. With which country does the administration believe China is involved with nuclear proliferation? Pakistan?

Answer. [Deleted.]

Question. The same article claims that China has supplied Pakistan with magnets which can be used in the Pakistani nuclear program. What details can you provide on this?

Answer. [Deleted.]

ARMS SALES TO SYRIA

Question. The Jerusalem Post reported on December 12, 1989 that Col. Qaddafi is going to finance the purchase of 80 Chinese M-9 missiles for Syria. Does the U.S. Government have any information to support that allegation?

Answer. [Deleted.]

Question. FBIS-NES-90-004 for January 5, 1990, page 5, quotes an Arabic-language newspaper in London which claims that Syria has been reassured that military cooperation between Syria and China will continue. Does the U.S. Government have any information to support that allegation?

Answer. [Deleted.]

Question. Does such information suggest that the reassurance was associated with a pending sale of missiles or missile technology?

Answer. [Deleted.]

ARMS SALES TO LIBYA

Question. The Jerusalem Post reported on December 12, 1989 that Israeli sources claim Col. Qaddafi is going to finance the purchase of 140 Chinese M-9 missiles with 80 going to Syria and 60 to Libya. Does the U.S. Government have any information to support this allegation?

Answer. [Deleted.]

Question. Within the past 15 months has the U.S. Government detected any attempt by the Chinese to sell ballistic missiles or missile technology to Libya?

Answer. [Deleted.]

Question. Have we detected any attempt to sell equipment which would support a ballistic missile program by Libya such as radars or similar gear?

Answer. [Deleted.]

ARMS SALES TO SYRIA

Question. The Washington Times on December 14, 1989, quoting Middle East Markets, reports that the Chinese are assisting the Iraqi nuclear program. Does the U.S. Government have any information which would support this allegation?

Answer. [Deleted.]

Question. What information do you have on this issue?

Answer. [Deleted.]

Question. Middle East Markets identifies highly sophisticated and hard-to-build magnets that are needed to stabilize some centrifuges. Could you provide some details of this equipment?

Answer. [Deleted.]

Question. Reuters on January 21, 1990 reported that Iran and China had signed a 10 year military technology transfer agreement. Reuters said the agreement was signed by the Deputy Chairman of the Chinese Council of Sciences and Technology. Who is this person and what is his professional education or experience? Has he been associated with the Chinese nuclear program or weapons program?

Answer. We have no information which allows us to identify which one of approximately eight Deputy Chairmen of the State Commission of Science and Technology signed the agreement with Iran. Chinese press has not reported on the agreement or the visit. Radio Teheran, January 21, reported basically the same information as Reuters.

Question. What do we think might be under consideration for transfer to Iran?

Answer. Iran has a limited military production capacity and is interested in a wide array of weaponry from artillery to fighter aircraft, presumably including ballistic missiles. It is possible that the PRC would consider the export of weapons production technology, particularly for conventional arms.

Question. Who is the Chairman of the Chinese Council of Science and Technology? What is his background?

Answer. The chairman of the Chinese State Science and Technology Commission is Song Jian. Song, 59, is a specialist in the theory of cybernetics who has been credited with being one of the first Chinese scientists to use computer projections to forecast China's population trends in the 21st century. Song has leaded the State Science and Technology Commission since 1984, concurrently holding the position of State Counselor since 1986. In that position, he coordinates she activities of the Commission, Chinese Academy of Sciences, and other civilian scientific research establishments He was trained in the Soviet Union and United States, and speaks both Russian and English.

Question. What is the function of the Chinese Council of Science and Technology? Has we associated any of its members with the Chinese nuclear program or weapons development?

Answer. The State Science and Technology Commission is responsible for coordinating the activities of all Chinese civilian agencies involved in scientific research and its application, for raising China's scientific and technical standards to world levels, and for informing and advising China's political leadership about the scientific and technological implications of various policy choices. of its present top leadership, one vice chairman is involved directly in China's nuclear program. Commission Vice Chairman Zhou Ping, a specialist in reactor engineering, has overseen civilian nuclear industrial research and production since 1983, including supervising construction of the Qinshan nuclear power plant.

Question. Exactly when did your trip to communist China take place last summer?

Answer. Deputy Secretary Eagleburger provided details concerning this trip—which occurred the first weekend of July—during his congressional testimony of February 7–8. We refer you to that testimony for additional detail.

Question. With whom did you meet?

Answer. Deputy Secretary Eagleburger noted during his testimony that it would be difficult to provide specific detail concerning the private diplomatic discussions with Chinese leaders held during his trip to China with General Scowcroft last July. During his testimony, Mr. Eagleburger elaborated on issues raised during his trip to provide a general sense of the discussions. It should be noted that we do not, as a matter of practice, disclose details of private diplomatic discussions.

Question. Did you raise arms sales at any of these meetings?

Answer. As Deputy Secretary Eagleburger noted in his testimony on February 7 before the Senate Foreign Relations Committee, he and General Scowcroft discussed the subject of medium-range ballistic missiles in some detail with the Chinese.

Question. Since the Beijing massacre, have there been any meetings of high-ranking U.S. officials in third countries (other than Secretary Baker's meeting with Foreign Minister Qian at the Paris Conference on Cambodia last summer)?

Answer. Assistant Secretary Solomon met with PRC Assistant Foreign Minister Xu Dunxin in Paris on January 15–16 during a meeting of the Perm Five to discuss Cambodia. The Secretary also met with Foreign Minister Qian during the Paris Conference on Cambodia last summer.

Question. What was the trade balance between the U.S. and PRC in the 3rd and 4th quarters of 1989?

Answer. In 1989, the United States trade deficit with China was $6.2 billion, according to U.S. data. United States merchandise exports were $5.8 billion, up $800 million, or 16 percent over 1988. United States imports from China totaled $12 billion in 1989, 41 percent higher than in 1988. The deficit was $1.8 billion in the third quarter and $2.1 billion in the fourth quarter of 1989.

(Note: Chinese trade statistics show that China had a $3.5 billion deficit with the United States in 1989. The large difference in United States and Chinese statistics is mainly attributable to the fact that Chinese figures on exports to the United States do not include large transshipments via Hong Kong or via other countries.)

Question. Does the trade imbalance show any marked increase or surge from previous patterns?

Answer. Yes. The full-year 1989 bilateral trade deficit was $6.2 billion, 77 percent larger than the 1988 deficit. In 1989, the United States became China's largest and fastest growing market. The fastest growth occurred in the following categories of Chinese exports to the United States:

—Footwear (up 110 percent from the year-earlier figure to $721 million)

—Electronics (up 77 percent to $1.6 billion)

—Toys, Games and Sporting Goods (up 62 percent to $1.7 billion)

Textiles are another major Chinese export to the United States. A bilateral textile agreement, however, regulates the growth of textiles and apparel to the United States.

Major categories of United States exports to China in 1989 included:

—Cereals (up 61 percent to $1.1 billion)

—Fertilizer (up 143 percent to $447 million)

—Aircraft (up 60 percent to $536 million)

In the early 1980's, the United States enjoyed a period of trade surpluses with China. However, despite an increase in United States exports from $3.9 billion in 1985 to $5.8 billion in 1989, the United States has had increasingly large trade deficits with China since 1985.

Question. Within the past month, has the U.S. Embassy, Beijing suggested that the increase in the trade imbalance may represent a conscious decision on the part of Chinese officials or perhaps an effort to manipulate trade between our two countries?

Answer. Our analysis, based on reporting from variety of sources, including the Embassy, indicates a number of reasons for the substantial increase in the trade imbalance.

—China's multi-year economic retrenchment program, announced in the fall of 1988, is perhaps the greatest factor contributing to the leveling off of United States exports and those of China's other major trading partners. During the second half of 1989, retrenchment took hold. Domestic demand plummeted and import demand declined sharply.

—Since China launched its program of economic reform in 1978, permitting greater reliance on market forces than had been the case previously, there has been a major shift in China's trade from socialist economies to market economies. Nonetheless, administrative controls on China's foreign trade are extensive, resulting in a variety of barriers to increased exports to the PRC.

—The Chinese Government tightened up its rules on the use of foreign exchange to dampen further demand for imports. As a result, imports in second half of 1989 had negative growth compared to same period in 1988.

—At the same time, greater raw material availability combined with Government practices to provide preferential support to China's export sector boosted exports. Exports to the world increased at a 16 percent rate in the second half of 1989, with monthly growth rates topping 20 percent toward the end of the year.

China clearly views the United States as an important market for its exports. We in turn are looking at strategies to enhance our own competitiveness in China and to create greater opportunities for United States exporters.

Question. Within the past month, has the U.S. Embassy, Beijing suggested that the United States should respond to alleged manipulation by Chinese authorities with an effort by the United States to apply some guidance or control from our side?

Answer. One important priority in United States diplomatic reporting is to assess, on a continuing basis, problems relating to trade and investment and what the U.S. Government might do to resolve them. Given the rapid rise in United States-China trade and investment over the past few years and the evolving character of China's state-controlled economy, it is not surprising that these commercial problems have increased.

Recent diplomatic reporting has highlighted a number of these problems, such as market access barriers, foreign exchange controls, and a lack of transparency in China's trading system. We are now assessing what their impact is and how best to deal with them.

Given the long-standing U.S. commitment to open markets, the focus of our response will continue to be on reducing barriers for United States business in China rather than limiting China's access to our market.

Question. If so, what has been the response of the Department and the regular trade agencies such as USTR or Commerce?

Answer. USG agencies, including State, USTR, Treasury, and Commerce are in close contact as we attempt to work to develop a long-term trade strategy on China. United States agencies generally share the view that the problems are significant and that the focus of our efforts should be on market-opening measures.

RESPONSES BY MR. EAGLEBURGER TO QUESTIONS ASKED BY SENATOR PELL

Question. To this date, very little has been revealed of your first trip to Beijing last July, not even the exact date. When exactly was the trip, who participated, who did you visit, and what issues were discussed? Did the Chinese make any promises or change their policy or moderate their crackdown on account of the trip?

Answer. During Deputy Secretary Eagleburger's testimony before the Congress on February 7–8, he elaborated on the nature and goals of the first trip he made to Beijing last year, which took place the first weekend of July. We refer you to his testimony for the details of which issues were covered. At that time, Mr. Eagleburger noted that he would try to convey a general sense of the discussions, but that he would be constrained from going into specific detail on the substance of the talks.

It should be noted that in order to protect the integrity of private diplomatic discussions, we do not, as a matter of practice, publicly disclose the details of such discussions. Thus we cannot elaborate on the specifics of China's participation in the discussions.

Question. Are there any sanctions that remain in force? Has the time come for the lifting of all sanctions?

Answer. The measures announced by the administration in June 1989 remain essentially in place, although there have been marginal adjustments in support of U.S. interests. Measures in force include our suspension of weapons exports; efforts to seek deferral of consideration of loans by international financial institutions, with the exception of loans for basic human needs; and the suspension of visits by military leaders and exchanges of senior level government officials.

No weapons exports have gone forward. Several hundred licenses were suspended in June for exports of munitions list items. We have approved, on a case-by-case basis, a few—less than 20—munitions list export licensing cases, but they are not military items. Some examples of those approved since June are inertial navigation units needed for the safe operation of commercial aircraft; the AUSSAT and Asia-Sat communications satellites and United States components for a Chinese domestic communications satellite; routine inspection of some Chinese-owned Lear jets: and some bank teller equipment. There has been no delivery of FMS items to China. In cooperation with our COCOM partners, we have suspended liberalization of strategic trade controls for China.

The United States has remained opposed to a general resumption by the World Bank and Asian Development Bank of lending to China, but we are now willing to consider World Bank basic-human-needs loans to China on a case-by-case basis. (Note: The World Bank Executive Board approved the first post-Tiananmen loan for earthquake relief on February 8.)

Working level exchanges of civilian governmental officials have continued, but senior-level exchanges have been canceled. Cancellations include (1) the Joint Commission on Commerce and Trade meeting to have been led by Commerce Secretary Mosbacher, (2) the Joint Economic Commission meeting to have been led by Treasury Secretary Brady, and (3) a review of activities under our bilateral Science and Technology Agreement to have been led by the White House science adviser).

Certain high-level contacts with Chinese (involving General Scowcroft, Secretary Baker, and Deputy Secretary Eagleburger) have been authorized to discuss critical global, regional, and bilateral issues.

Congress has passed sanctions legislation which replicates some of the President's measures and adds others. The State Department Authorization Act suspends new Trade and Development Program (TDP) and Overseas Private Insurance Corporation (OPIC) activities, issuance of licenses for export of most munitions list items to China, issuance of licenses for export of crime control or detection instruments or equipment, the export of satellites of US origin intended for launch by a PRC launch vehicle, and licensing for all nuclear-related dual-use exports and technology transfer activities subject to Commerce and Energy Department approval. It also instructs the resient to negotiate in COCOM for the multilateral suspension of, and to oppose, certain export control liberalization for China. The TDP, OPIC, munitions list, crime control, satellite, and COCOM sanctions can be overcome if China makes certain progress in political reform or if the Presidential reports to Congress that a waiver is in the "national interest." The nuclear sanction, however, continues until all certifications required by PL 99-103 are be made.

While China has taken some positive steps over the past few months, we do not believe that they are adequate to warrant a fundamental altering of the President's policy. With regard to congressional sanctions, we are now examining activities affected by these sanctions to determine whether U.S. national interest requires the exercise of national interest waivers, as permitted by the Act.

Question. If one accepts the argument that the United States needs to reach out to China to prevent it from falling into isolation and that contact with the outside world will only help reform forces in China, is there room to express criticism of the violent lurching away from reform that has taken place in the last year in China?

Answer. Of course criticism has its place. The report on the Chinese economy submitted to Congress by the Central Intelligence Agency last August is full of such criticisms, many of them couched in strong and unambiguous terms. Our human rights report addresses quite critically other aspects of this problem. The numerous statements of American officials, from the President down, urging the Chinese Government to return to the path of reform carry the clear message that we do not see them following that path at present.

Criticism is more effective if it is constructive and proceeds from a dialog between the two parties. We have been trying to preserve that dialog, in order to give greater weight to our suggestions for change and to advance other important United States interests in our relations with China.

Question. Why did the Bush administration not follow the approach the Reagan administration took in July 1983 when sanctions against Poland were lifted cautiously, one by one, in exchange for concrete measures taken by the Polish authorities such as the release of political prisoners

Answer. We have a global policy of advocating respect for fundamental human rights. The methods we use to advance these rights naturally vary depending on a host of factors.

Only 20 years ago, the United States and the PRC were bitter enemies, each largely ignorant and totally distrustful of the other. Building on very narrow foundations, we have sought since 1972 to establish a climate of cooperation and trust that would enable us to resolve increasingly more sensitive differences between us.

We are determined to work for improvement in the human rights situation in China, and are constantly exploring the most effective means to do so.

Question. What assurances do we have that the Chinese will not export missiles or missile technology or are not continuing to do so?

Answer.

—In our numerous discussions with the PRC regarding our concern about the dangers posed by the proliferation of ballistic missiles and their component technology, the Chinese have responded in ways that indicate that they would not provide intermediate-range missiles to countries other than Saudi Arabia.

—On December 11 the Chinese government termed reports that China plans to sell M-9 missiles to Syria "utterly groundless" and stated publicly that, except for its sale of missiles to Saudi Arabia, "China has not sold and has no plans to sell any medium-range missiles to any Middle Eastern country."

—We have welcomed the PRC statements, which set out publicly a standard for judging its weapon sales policy. However, we do have some concerns about ambiguities in stated PRC policy toward missile sales, particularly what they mean by intermediate-range missiles.

—We will continue our dialogue and look for actions consistent with Beijing's stated "prudent and responsible attitude."

—In discussions with the Chinese, we will continue to stress our belief that the Missile Technology Control Regime (MTCR) standards on transfers of missiles and missile technology (a range of at least 300 kilometers with a payload of at least 500 kilograms) are the most appropriate.

Question. On December 11, the day after you and General Scowcroft left Beijing, Bishop Fan of the Catholic Church was arrested. Since that time, 11 more bishops have disappeared. What do you know about their fate?

Answer. We know that Bishop Fan and perhaps as many as two dozen other leaders of the underground Catholic Church were detained in November and December. We understand that some of them were subsequently released. We are not aware that any has been formally charged.

Question. Almost all observers of the recent lifting of martial law in Beijing have viewed this action, in the words of Asia Watch, "as of little significance if viewed as anything other than a public relations exercise, one designed largely for international, and especially U.S. Congressional, consumption." Would you disagree with this characterization?

Answer. The step was clearly a limited one, its effect diluted to an extent by promulgation of new laws that largely supplanted the previous martial law regulations. I would not want to speculate about the motives of the Chinese leaders who made the decision. I presume the leadership took into account both the likely domestic and international reaction.

We gave a cautious and conditioned welcome to the decision to lift martial law in Beijing. We were fully aware of its limitations, but recognized it nonetheless as a positive step. According to reports from our Embassy, the people in Beijing, who are in the best position to judge, overwhelmingly consider the lifting of martial law to be a definite improvement. I would note that the Congress, in passing the State Department Authorization Bill, also called for the lifting of martial law.

Question. According to independent Western estimates, between 10,000 and 30,000 people remain imprisoned on account of their prodemocracy activities last summer. Yet Chinese authorities have recently announced, in a move seemingly timed to coincide with the re-opening of Congress, that 573 detainees have been released. Who are these 573 people? Does their release mark a continuing trend, or is it another publicity stunt?

Has the administration formally requested a list of all those arrested since June 4? If not, would President Bush or Ambassador Lilley be willing to make such a request?

Answer. We and others have suggested to the Chinese Government that publication of the names of those released, and of those who remain in detention, would be welcomed by the international community. The Chinese authorities have responded only that many of those detained, and their families, do not want to draw further attention to themselves by having their identity published.

As with the lifting of martial law in Beijing, the reported release of 573 persons is a positive though limited step forward.

We certainly hope that this is part of a trend. We have repeatedly urged the Chinese authorities to release the other detainees whose only offense was the peaceful expression of political views, and to afford fair and open trials to those accused of violent actions.

PRC DISSIDENTS IN HONG KONG

Question. Of the Chinese dissidents who escaped to Hong Kong via the underground railway, how many has the United States admitted to this country as refugees or asylum-seekers? How many requests have there been from this group? How many have been given long-term visas?

Answer. The United States, along with other Western nations, has opened its doors to those with a well-founded fear of persecution leaving China. We do not have an exact count of ZRC dissidents who have requested admission to the United States. We are not aware of dissident who has been forced to go back to the PRC because no resettlement country would take him.

—I cannot respond to your question in further detail because to do so would be potentially to endanger those dissidents who have escaped the PRC, those who helped them escape, and their families still in China.

—We have exercised our discretion in issuing visas to those persons who qualify for non-immigrant visas. I cannot say how many of the visas we have issued to PRC citizens since June 1989 were to persons who were active in the prodemocracy movement.

Question. Has Ambassador Lilley or any embassy official attempted to visit any detainee?

Answer. No. Under the Vienna Convention on Consular Relations and our bilateral Consular Convention with the PRC, we have a right of access only to nationals of the United States.

Chinese authorities have never allowed us access to detainees who were not U.S. nationals, even those with strong ties to the United States.

Question. Has the administration ever insisted on the release of any political prisoner by name, such as Han Dongfang, who has become known as "China's Lech Walesa" for his founding of the Beijing Workers Autonomous Federation, China's first independent labor union, or Liu Xiaobo, who was a visiting scholar at Columbia University at the time of his arrest?

Answer. We have made specific inquiries about certain detainees, including Liu Xiaobo, who have strong connections to the United States. Our general approach, however, has been to urge the Chinese Government to release all of those detained for peaceful political activity and expression, not merely a handful who are well known in the West.

Question. Could you provide details on how the lifting of martial law in China has appreciably increased the freedoms of the Chinese people?

Answer. Reports from our Embassy indicate that the people of Beijing, who are in the best position to judge, overwhelmingly consider the lifting of martial law there to be a definite, though limited, improvement.

While many of the martial law provisions have been replaced by new laws that have comparable effect, there are a number of ways in which the current restrictions are less onerous than those under martial law.

More important, the replacement of People's Liberation Army troops by members of the People's Armed Police, most of whom are fr6m Beijing and have a better understanding of popular attitudes, should ameliorate some of the tension that was evident in Beijing throughout the summer and autumn.

Question. Martial law may have been ostensibly lifted in Beijing, but it still remains in force in Lhasa, where it was imposed last March. Lhasa has been deliberately isolated from the outside world. Atrocities have thus been easier to cover up but nevertheless there have been numerous reports of horrific abuse. These cases have been well documented by Amnesty International, Physicians for Human Rights, Asia Watch, and other groups. Is there any indication that there will be an improvement in the human rights situation in Tibet? Is Tibet given much weight in our overall policy toward China?

Answer. Our knowledge of what is happening in Tibet is severely limited, as you note, by restrictions on travel thereby foreign diplomats, journalists and other observers. We have protested these restrictions on numerous occasions since they were imposed last March.

Most available information suggests that tensions in Lhasa remain high, principally centering on frictions between Tibetan proindependence activists and Chinese authorities. A number of relatively small demonstrations have taken place since last summer. All were quickly suppressed by Chinese security forces, fortunately without the excessive violence that we deplored last March. Scores of participants have been detained, and some have been sentenced to several years in prison or labor camps.

Given these conditions, the chances for improvement in the human rights situation in Tibet are not good.

We are deeply concerned about conditions in Tibet, and about the continuing reports of severe human rights abuses there. In formulating our China policy, we accord considerable attention to the treatment of Tibetans, not only rhetorically but in actions.

Question. The Scowcroft/Eagleburger mission to Beijing made front page news on December 10, the same day the Dalai Lama was awarded the Nobel Peace Prize in Norway. Was this just a coincidence, or was it a deliberate action intended to send a signal to the Tibetan people, their supporters worldwide, and their Chinese rulers?

Answer. Deputy Secretary Eagleburger made clear what the purpose of the December trip to Beijing was during his testimony. As Mr. Eagleburger stated, the purpose of the trip to Beijing last December was to deliver an undiluted message on the need for China to take steps to improve our relations and to brief the Chinese on the results of the Malta summit. Mr. Eagleburger noted that after the visits by former President Nixon and former Secretary of State Kissinger to China late last year, China's spokesman had begun to join us in talking of both sides taking steps to improve relations—a subtle but distinct signal. The President decided in December that it was the time for a bold move to try to begin a process leading to better conditions in China and better United States-China relations.

As Deputy Secretary Eagleburger noted in his testimony, the issue of Tibet was raised with Chinese leaders during both the July and December trips to China.

Question. The President has yet to offer congratulations to this year's Nobel Peace Prize recipient, nor has the State Department issued an official comment. At a State Department briefing on October 6, 1989, when asked if there were any comments on the Nobel Prize, the State Department spokesman stated: "No, I don't really on the awarding of the Nobel Prize." Could you comment on this omission?

Answer. I would remind you that the Spokesman went on to say: "We respect the Dalai Lama as a religious leader, and recognize his efforts, peaceful efforts, on behalf of human rights."

Our press guidance for October 5, the day of the announcement, also noted that "we share the concerns the Dalai Lama has raised about human rights violations against Tibetans."

These statements were then, and remain, the administration's official response to the award.

Question. While the administration has consistently pressured the Soviet Union on the rights of nationalities, and supported the rights of ethnic groups in the Soviet Union, they are conspicuously quiet about such concerns in Tibet and China. Do the Tibetans have any claim to self-determination, or at least some cultural autonomy? What are the differences between the Tibetan case and the case of ationalities in the Soviet Union?

Answer. We have by no means turned a blind eye to human rights abuses in China, including Tibet. However, until last year, the human rights situation there had been improving in important areas. We applauded these positive changes, and have consistently encouraged the Chinese leadership to make further human rights progress as part of their overall drive to reform and modernize their economic and political systems.

We have a global policy of advocating respect for fundamental human rights. The methods we use to advance these rights naturally varies depending on a host of factors.

The United States considers Tibet to be a part of China. Neither the United States nor any other member of the United Nations has ever recognized Tibet as a sovereign state independent of China. The Baltic republics, on the other hand, obtained full independence through the Treaty of Versailles and functioned as fully independent states until their forced absorption into the Soviet Union in 1940.

Many members of the international community have recognized the right of the Tibetan people to a significant degree of autonomy, particularly in cultural matters. The Chinese Government, by creating a Tibet Autonomous Region and allowing a certain degree of autonomy to Tibet in areas such as language and religion, also has recognized this principle, though implementation of this autonomy has been partial and erratic. Our policy is that, in addition to respecting other internationally recognized human rights, the Chinese government should provide for effective Tibetan participation in the governing of their own affairs. How this participation should be implemented in practice is a matter to be resolved between the Chinese authorities and the Tibetan people.

Question. What kind of projects will World Bank funds be used to support?

Answer. Between June 3 and December 31, 1989, no World Bank loans were extended to China. Recently, the United States as well as its major allies have indicated that they are now prepared, on a case-by-case basis, to have the World Bank consider basic-human-needs (BHN) loans to China. The United States supported the first such loan, a $30 million loan for North China earthquake reconstruction, that the Executive Board approved on February 8. Another loan for agricultural development in Jiangxi province was approved on February 27. This loan will also help to address BHN.

The United States, as do other key members of the World Bank, remains opposed to a general resumption of World Bank lending to China because of concerns over recent trends there. It is not our intention to have international financial institutions conduct business as usual with China.

Loan proposals for a wide range of China projects are in the World Bank pipeline. We shall continue to discourage the World Bank from putting forward loans other than those which clearly address basic human needs.

Question. Will the administration make any distinction between high-profile projects that increase the prestige of the regime, and projects that will help the Chinese people: Is such a distinction possible?

Answer. As a matter of policy, the United States does not support World Bank loans that only serve to enhance the prestige of borrowing-country governments. In the case of China, we are now further limiting our support only to projects which meet basic human needs.

In making a determination as to whether a given loan is basic human needs in character, we will examine three inter-related aspects:

(1) The intended beneficiaries. The extent to which the poor are the beneficiaries of a project is an important consideration.

(2) The needs being served. Basic needs, such as adequate levels of food, shelter and clothing, as well as services such as safe drinking water, sanitation, health care, education and training are important components.

(3) The manner of transfer of loan proceeds. Here, the primary focus should be to secure long-term, self-sustaining benefits which would promote self-reliance and enable the poor to help themselves.

The primary focus in all cases will be whether the loans are directed specifically to programs which serve basic human needs.

We believe that this screening process will help to ensure that the U.S. supports only loans that help the truly needy. Other key World Bank members agree with the approach of limiting loans to China to those which meet basic human needs. In the weeks ahead, we will be working to develop a consensus among members on loans which appropriately do this.

The Congress placed upon the U.S. Government the affirmative responsibility "with its voice and vote * * * to channel assistance to projects which address basic human needs (BHN) of the people of the recipient country." It specifically exempted in the law basic-human-needs loans from the instruction to vote "no" or abstain in the case of human rights violators. The United States has, therefore, supported basic-human-needs loans even in countries where human rights problems exist in order not to penalize the people for the repressive actions of their government.

Question. Will World Bank funds be used to support the Three Gorges project, that involved the damming of the Yangtze river, which has been condemned as environmentally disastrous by some groups?

Answer. There is no plan to use Bank funds to support the Three Gorges project. In early 1989, the Chinese announced that the project was subject to continuing debate and that it would not be included in China's eighth 5-year plan, covering the period 1990–1995. Some Chinese, as well as foreign experts, have expressed concern over the project's environmental impact, the need to relocate large numbers of people (up to 1.3 million according to one estimate), its technical feasibility and its cost.

Question. Most Favored Nation: In June, China's Most-Favored-Nation trading status will come up for review. What is the Administration planning to do?

Answer. The Jackson-Vanik Amendment to the Trade Act of 1974 makes substantial freedom of emigration a condition for granting of Most-Favored-Nation (MFN) tariff status, government credits, credit guarantees and investment guarantees to China and most communist countries. The administration renewed China's Jackson-Vanik waiver just prior to the June military crackdown, taking into account the relatively relaxed travel and emigration policies prevailing in China up to then.

We are continuing to review the situation regarding emigration and travel from China, including reports of possible new procedures implemented after the military crackdown. The Chinese Government continues to permit emigration to the United

States. Although the travel situation is still unclear, we know that many students, businessmen and scientists are still being allowed to apply for U.S. visas.

Under the annual review procedures established to implement the Jackson-Vanik Amendment, China's MFN comes up again for review in May. We intend to examine all available information carefully and make a decision consistent with what we know the situation to be at the time.

Suspension of MFN status, which would be a consequence of canceling the Jackson-Vanik waiver, would have a major impact on Chinese policy toward the United States, especially market access for United States exports. The United States is China's third-largest trading partner, behind Hong Kong and Japan. China is the 10th-largest United States trading partner. United States-China bilateral trade totalled $14 billion in 1988 and rose to $18 billion in 1989. Denial of MFN status to China would also have indirect but significant effects on Hong Kong's economy.

Question. Will MFN status be linked to an improvement in human rights?

Answer. The Jackson-Vanik Amendment has specified one particular human right, the right of emigration, as the standard for determining eligibility for MFN status. Over the years, freedom of travel generally has been considered and not just emigration. The law does not specifically address broader human rights issues in the context of MFN waiver. The Chinese Government is aware that progress on human rights is a matter of continuing United States concern.

Question. Was the issue of Chinese support for the Khmer Rouge raised during the two secret trips by the President's emissaries to China? If so, how extensive were these discussions and what was the Chinese response?

Answer. As Deputy Secretary Eagleburger indicated during his testimony before both the Senate Foreign Relations Committee and the House Committee on Foreign Affairs February 7-8, Cambodia was discussed during the trips. Mr. Eagleburger also indicated, however, that he would be constrained from providing specific detail on the discussions. We refer you to his testimony for specific characterizations of the issues raised during the two trips. We also note that, as a matter of practice, we do not disclose the specific details of private diplomatic discussions.

Question. Over the past 6 months, has there been any appreciable decrease in Chinese arms supplies to the Khmer Rouge?

Answer. We believe the quantity delivered to the Khmer Rouge has not changed significantly in recent months.

The Chinese have said that they will cease their aid to the Khmer Rouge, as well as to the non-Communist factions, when the Vietnamese troop withdrawal has been independently verified, when all other external assistance to the Cambodian factions ceases, and when a comprehensive settlement is in place.

Question. Efforts are now underway to schedule a follow-up meeting to the January meeting in Paris of the major powers on Cambodia. Have the Chinese been forthcoming in establishing a date for another round of peace settlement talks?

Answer. Since the January meeting in Paris of the Perm Five, the Chinese cooperated in setting the date for, and participating in, the second round of Perm Five talks on Cambodia in New York, which took place February 11-12. We are currently in communication with the Chinese on setting the date of the next round of Perm Five talks on Cambodia.

Question. Please describe for the committee the exact nature of the Chinese commitment on missile sales. Did this commitment extend only to the sale of CSS-2 missiles to the Middle East?

Answer. In our numerous discussions with the PRC regarding our concern about the dangers posed by the proliferation of ballistic missiles and their component technology, the Chinese have responded in ways that indicate that they would not provide intermediate-range missiles to countries other than Saudi Arabia.

—On December 11 the Chinese government termed reports that China plans to sell M-9 missiles to Syria "utterly groundless" and stated publicly that, except for its sale of missiles to Saudi Arabia, "China has not sold and has no plan to sell any medium-range missile to any Middle Eastern country."

—We have welcomed the PRC statements, which set out publicly a standard for judging its weapon sales policy. However, we do have some concerns about ambiguities in stated PRC policy toward missile sales, particularly what they mean by intermediate-range missiles.

—We will continue our dialogue and look for actions consistent with Beijing's stated "prudent and responsible attitude."

—In discussions with the Chinese, we will continue to stress our belief that the Missile Technology Control Regime (MTRC) standards on transfers of missiles and missile technology (a range of at least 300 kilometers with a payload of at least 500 kilograms) are the most appropriate ones.

Question. Did the Chinese renounce missile sales for systems that fall within MTCR parameters, to all countries?

Answer. In our numerous discussions with the PRC regarding our concern about the dangers posed by the proliferation of ballistic missiles and their component technology, the Chinese have responded in ways that indicate that they would not provide intermediate-range missiles to countries other than Saudi Arabia.

—China has not said that it would adhere to the Missile Technology Control Regime (MTCR) guidelines, nor has it said that it will renounce missile sales to all countries.

—China has stated that it has a "prudent and responsible" attitude toward arms sales, including missile sales.

—On December 11 the Chinese government termed reports that China plans to sell M-9 missiles to Syria "utterly groundless" and stated publicly that, except for its sale of missiles to Saudi Arabia, "China has not sold and has no plan to sell any medium-range missile to any Middle Eastern country."

—In discussions with the Chinese, we will continue to stress our belief that the Missile Technology Control Regime (MTRC) standards on transfers of missiles and missile technology (a range of at least 300 kilometers with a payload of at least 500 kilograms) are the most appropriate ones.

Question. If the Chinese made pledges regarding the sales of certain classes of missiles, that is, "medium-range" missiles, did the Chinese define what they consider to be a medium-range missile?

Answer. The Chinese have not explicitly defined what they mean by "medium-range" missile.

—On December 11 the Chinese government termed reports that China plans to sell M-9 missiles to Syria "utterly groundless" and stated publicly that, except for its sale of missiles to Saudi Arabia, "China has not sold and has no plan to sell any medium-range missile to any Middle Eastern country."

—The M-9, according to published descriptions, will have a range of up to 600 kilometers. The United States considers the M-9 an intermediate-range missile.

In discussions with the Chinese, we will continue to stress our belief that the Missile Technology Control Regime (MTRC) standards on transfers of missiles and missile technology (a range of at least 300 kilometers with a payload of at least 500 kilograms) are the most appropriate ones.

Question. Did the Chinese pledge address missile technology, as opposed to complete missiles, and, if so, what position did the Chinese take?

Answer. The Chinese have not specifically addressed the question of their policy regarding transfer of missile technology.

—China's public statements assert that the PRC will take a prudent and responsible attitude regarding weapons sales, including missiles.

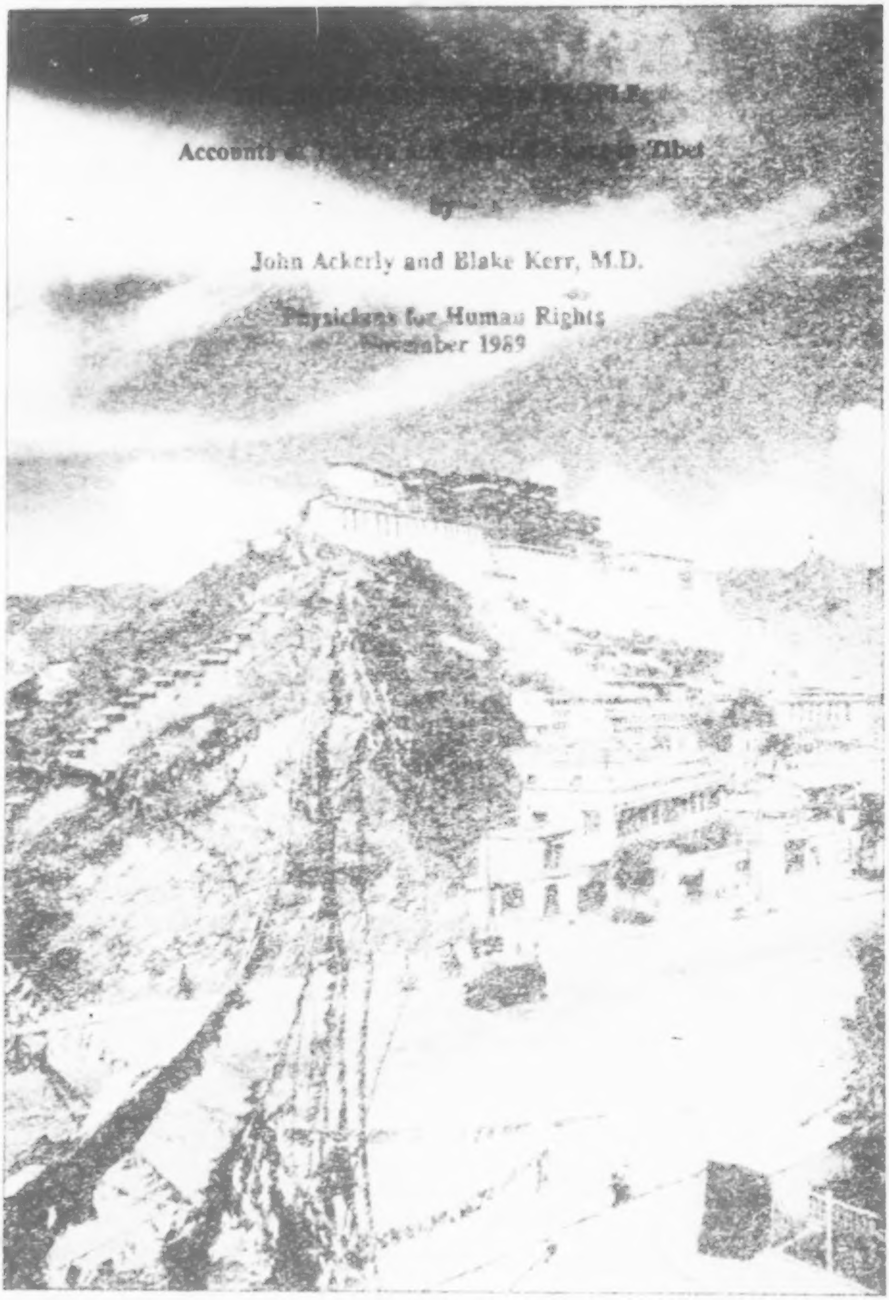
In discussions with the Chinese, we will continue to stress that we take these statements to indicate Chinese intention to show restraint in the area of missile technology transfer, and our belief that the Missile Technology Control Regime (MTRC) standards on transfers of missiles and missile technology (a range of at least 300 kilometers with a payload of at least 500 kilograms) are the most appropriate ones.

Question. How would you characterize the Chinese view of the impact of missile sales on regional stability?

Answer. The Chinese have characterized their policy as one of "prudence and responsibility." They have stated that China's arms sales are evaluated in terms of whether they strengthen legitimate self-defense capabilities and are conducive to the peace, stability, and security of the region concerned.

—On numerous occasions, the U.S. Government has expressed its concerns to senior PRC leaders over the dangers posed by missile proliferation. United States officials have made clear to the Chinese the risks attendant on proliferation of such missiles, especially to regional hotspots such as the Middle East.

—The administration believes that the Chinese understand its concerns regarding the sale of ballistic missiles. It will continue its efforts to dissuade both potential purchasers and suppliers, including the PRC, from pursuing the spread of missiles and missile technology.



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Accounts of [illegible] in Tibet

by

John Ackerly and Blake Kerr, M.D.

Physicians for Human Rights
November 1989

PHYSICIANS FOR HUMAN RIGHTS

Physicians for Human Rights (PHR) is a national organization of health professionals whose goal is to bring the skills of the medical profession to the protection of human rights. PHR works to prevent the participation of doctors in torture, to defend imprisoned health professionals, to stop physicial and psychological abuse of citizens by governments and to provide medical and humanitarian aid to victims of repression.

Since its founding in 1986, PHR has conducted over twenty missions to eleven countries: Chile, Czechoslovakia, El Salvador, Israel, the West Bank and the Gaza Strip, Kenya, Malaysia, Panama, Paraguay, the Republic of Korea, Turkey, and the USSR. PHR adheres to a policy of strict impartiality and is equally concerned with the medical consequences of human rights abuses regardless of the ideology of the offending government or group.

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Grateful acknowledgement is made to Galen Rowell, John Ackerly and Asupi for the use of their photos.

Cover photo: A Tibetan family in Kham, eastern Tibet, 1986. (Photo: Nancy Lindberg)

Title page photo: John Ackerly. The Potala Palace in Lhasa, Tibet was constructed during the 17th century and has over 1,000 rooms.

PREFACE

The Suppression of a People: Accounts of Torture and Imprisonment in Tibet is the first study published by Physicians for Human Rights (PHR) originating from independent research. (All other publications of ours to date have reported on findings of fact-finding missions which PHR has organized and sponsored.) The two authors, John Ackerly, J.D. and Blake Kerr, M.D. are young Americans who by chance were in Lhasa, Tibet as tourists in 1987 when the Chinese occupation forces employed brutal measures and mass arrests to bring an end to peaceful protest demonstrations by Tibetan civilians and monks. Witnessing these assaults, including the use of lethal force, Ackerly and Kerr administered first aid to wounded Tibetans, and took photographs which were subsequently published in *The New York Times Magazine*.

Outraged by the wanton killing and arrest of so many, and the rumored use of torture of many detainees, instead of returning to normal life pursuits, Ackerly and Kerr resolved to continue to study and document the abuse of the Tibetan people.

In the fall of 1988, they traveled to Himal Pradesh in Northern India since after the fall of 1987 the government of China had barred independent travelers from visiting Tibet. There they interviewed refugees, many of whom provided first hand accounts of torture and cruel conditions of detention experienced in the prisons in the vicinity of Lhasa. While Amnesty International and Asia Watch have previously published studies of the abuse of imprisoned Tibetans, we believe *The Suppression of a People* adds both depth and detail to what has previously been known about conditions and mistreatment in Tibetan prisons.

PHR would like to acknowledge the International Campaign for Tibet which generously offered time and resources for the completion of this project. The International Campaign for Tibet is an independent organization, based in Washington, D.C. which works to promote human rights, democracy, and freedom for Tibetans. John Ackerly presently works as legal counsel for the Campaign for Tibet. Dr Kerr is a resident at St. Vincent's Hospital, New York City.

It is particularly fitting in 1989 on occasion of the selection of the Dalai Lama as recipient of the Nobel Prize to commemorate the struggle for human rights in Tibet with this study, however painful the observations and conclusions.

Jonathan E. Fine, M.D.
Executive Director
Physicians for Human Rights

Lobsang Jimpa, the winner of the 1988 Reebok Human Rights Award and a friend in Dharamsala, India, Nov. 1988. (Photo: John Ackerly)

INTRODUCTION

This report describes the imprisonment and torture of Tibetans in or near the capital of Lhasa between October 1987 and September 1988.

The documentation of this report began during our 10-week stay in Tibet[1] in the summer and fall of 1987. On September 27, October 1, and October 6, 1987, we witnessed demonstrations against Chinese rule. And on October 1, 1987, when the police fired into unarmed crowds, we witnessed the deaths of three Tibetans. Dr. Kerr documented nine other deaths with confirmed first-person accounts. After the demonstration, while surreptitiously treating some of the injured, Dr. Kerr was told that some wounded Tibetans were denied access to medical care at Chinese hospitals, and that others refrained from seeking medical care for fear of being arrested and imprisoned.[2]

Because of the suppression of indigenous monitoring groups, and China's refusal to permit on-site fact-finding missions, the gathering of human rights information in Tibet is impractical and dangerous. Thus, we decided to interview Tibetan refugees in India, where we were able to conduct in-depth interviews in an environment where the interviewee was safe from reprisals. Since our primary purpose was to collect information about torture and imprisonment, rather than definitively document the physical effects of torture, medical examinations of those interviewed were not performed.

Since our initial visit to Tibet, it has not been possible to systematically gather information on the Tibetan plateau. After the fall of 1987, the People's Republic of China (PRC) restricted access to Tibet for journalists, independent travelers and human rights groups, and with the imposition of martial law in Lhasa on March 7, 1987, these restrictions have been tightened.

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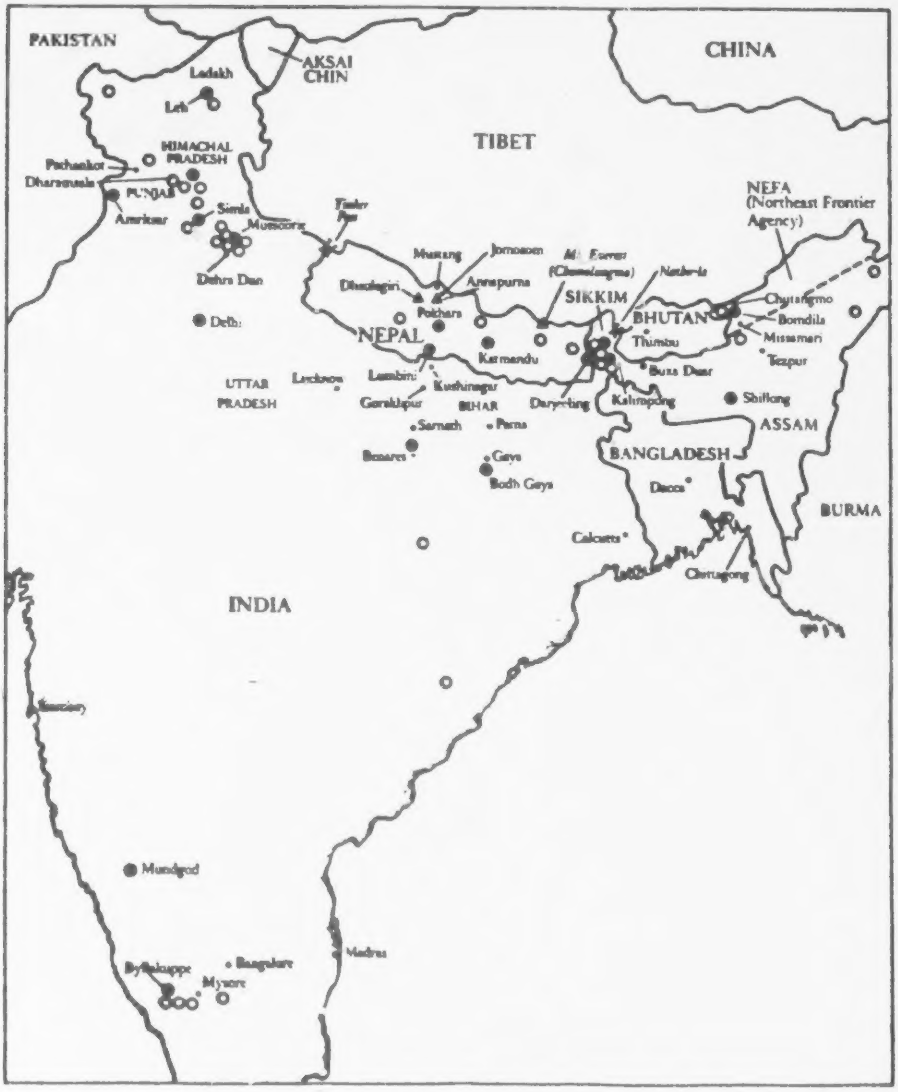
[1] Tibet refers to the ethnographic distribution of Tibetans in the Tibet Autonomous Region (TAR), Qinghai province and parts of Gansu province (formerly Amdo) and Western Sizchuan and Yunnan provinces (formerly Kham).

[2] Marvine Howe, "Two American Mountaineers Tell of Witnessing Tibet Protests," New York Times, Nov. 13, 1987.

TIBETAN SETTLEMENTS IN INDIA



THE CONDUCT OF THE INVESTIGATION

With the aid of interpreters, we conducted 17 interviews with Tibetan men and women, including several monks who had been imprisoned and tortured,[3] and a former Tibetan policeman who described how he had himself tortured prisoners. The majority of the interviews took place in Dharamsala, northern India, where most Tibetans initially come after fleeing Tibet to see and talk to the Dalai Lama, Tibet's exiled spiritual and temporal leader. We conducted other interviews in Tibetan refugee communities in Kathmandu, New Delhi, Bir and Bylakuppe.

We located victims of torture in Tibetan settlement camps with the assistance of the Central Tibetan Administration (CTA), the Office of Information and International Relations, the Security Office, the Bureau of His Holiness the Dalai Lama in Delhi and through more informal channels such as the friends and relatives of our Tibetan hosts. Each interview lasted between two and twelve hours, with some of the interviews spread over several days.

Eight of the 17 Tibetans interviewed were victims of torture and imprisonment;[4] seven were men between the ages of 18 and 25, including five monks from monasteries near Lhasa; one was a 29 year-old female nurse from Lhasa. Of the nine other interviewees, six were men between the ages of 19 and 26 (including four monks), two were men of 34 and 54, and one woman was 19 years-old. All of the 17 had lived in the capitol of Lhasa when they were arrested and later fled to India. Names listed below are pseudonyms except for Lobsang Jimpa[5] and Kelsang Wangyal who wanted their real names used. These two monks were both beaten and injured by the police during demonstrations but were not imprisoned and so are not listed as torture victims.

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[3] We conducted several dozen other interviews with Tibetans who had second hand or hearsay knowledge meaning that they did not witness or talk to the person or event that they described to us.

[4] One of the victims, Tashi Gyaltsen, a 25-year-old monk from Sera Monastery, was interviewed for us by Michael van Walt, Esq.

[5] Lobsang Jimpa received the 1988 Reebok Human Rights Award, given to individuals under 30 who in their early lives and against great odds, have significantly raised awareness of human rights.

Torture Victims

Lobsang Dhondup, 18, Sera, monk
Sonam Tsering, 20, Sera, monk
Tinley Chophel, 25, Sera, monk
Tenzin Samphel, 24, Amdo, peddler
Nima Pasang, 22, Kham, peddler
Tenzin Rabgye, 25, Amdo, monk
Yoden Choedak, 29, Lhasa, nurse
Jampey Losel, 23, Lhasa, monk

Others

Thapkey Dorje, 26, Lhasa, policeman
Tenpa Namdol, 21, Drepung, monk
Lobsang Jimpa, 22, Sera, monk
Jigme Norbu, 34, Lhasa, physician
Ngawang Tsering, 54, Lhasa, businessman
Namhla Yege, 20, Lhasa, lumber yard worker
Jamyang Dolkar, 19, Lhasa, guard at monastery
Tenzin Tsering, 22, Sera, monk
Kelsang Wangyal, 22, Jokhang, monk

The statements from each subject were transcribed into English at the time of the interview, signed by the interviewer, the interviewee and the interpreter, and notarized. All except Lobsang Jimpa and Kelsang Wangyal consented to the interviews on the condition that their names be changed for publication to protect their friends and relatives in Tibet.

Most of the interviewees had escaped from Tibet in the last year, and some only days or weeks prior to our interview. For those who had recently fled Tibet, talking about their experiences was often traumatic and anxiety inducing. The interviewees were in the process of being resettled by the CTA of the Tibetan government in exile in one of the designated Tibetan settlements. Approximately 115,000 Tibetans live in exile, 90% of whom are in India and Nepal. Almost all Tibetans in these countries live in settlements governed by the CTA.[6] The larger settlements in southern India hold over 10,000 Tibetan refugees.

The Indian government restricts access to these settlements, but upon application and with sufficient advance notice, outsiders may be admitted.

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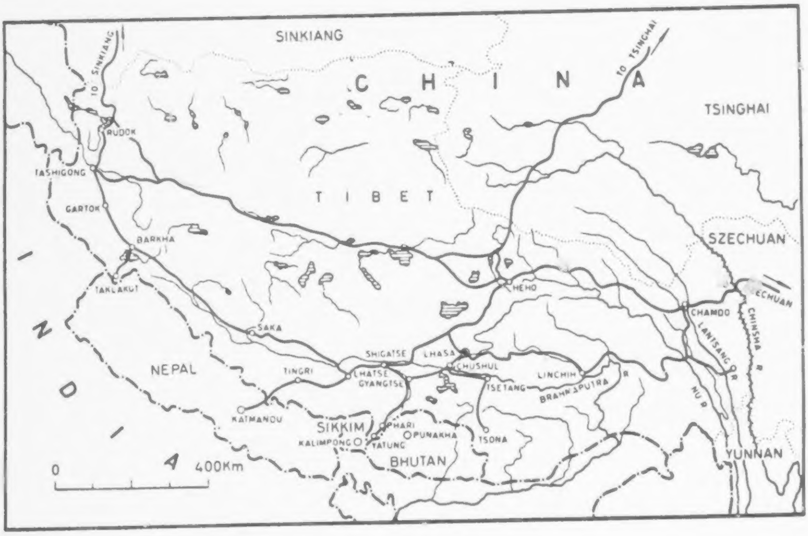
[6] Tibetans in Exile published by the Information Office of His Holiness the Dalai Lama (Dharamsala, 1981) provides an overview of the administration of the Tibetan settlements.

The interviewees seemed highly credible (with one exception), though often they were unable to provide information with the degree of exactness or specificity that we sought. We gauged credibility by demeanor, ability to describe events clearly, inclination to understate or overstate an experience, readiness to say "I don't know," tendency to editorialize and presence or absence of internal inconsistencies or exaggerations compared to other accounts of the same event or condition.

The one interviewee of questionable credibility had been a policeman in Lhasa. We interviewed him on several occasions and noted contradictions in his testimony for which we were otherwise unable to account. While we deemed some parts of his testimony reliable, we excluded much and did not rely on it in formulating major findings. It is also likely that other interviewees answers to certain questions may not be reliable, such as "Did you give any names during interrogation?" These are noted in the text. We tried to avoid questions that would produce unreliable answers or that the interviewees would be fearful of answering, such as the names of other people involved in political activity who had not yet been arrested.

To guard against an emotional bias from our own profoundly disturbing experiences, and the charge that refugee accounts are inherently subject to bias or exaggeration, we have corroborated allegations of torture in the interviews with those found in other human rights reports, United Nations Special Rapporteurs, the press and taped and transcribed interviews of Tibetans in Tibet. Inconsistencies are noted as such in the report.

MAP OF TIBET



SUMMARY OF MAJOR FINDINGS

The following findings summarize the testimony we received from torture victims and others with direct knowledge of events in Lhasa from the fall of 1987 to the fall of 1988.

1. Thousands of Tibetans have been arrested since September 1987 for suspected participation in demonstrations against Chinese rule in Tibet. Prisoners are commonly imprisoned for several months, though many are held for considerably longer or shorter periods of time.

2. Of the eight Tibetans interviewed who were arrested, all were interrogated, beaten and tortured. Interrogation focused principally on the nature of the prisoner's participation in pro-independence demonstrations, identifying organizers of the demonstrations or other Tibetans present and their unsanctioned political activity, and whether the prisoner had links with the "Dalai clique"- the Tibetan government in exile.

3. Torture of Tibetan political prisoners is routine. They are beaten with gun butts, truncheons and clubs with nails driven through the ends, and shocked with electric cattle prods. These methods are often applied until the prisoner loses consciousness. Other forms of torture include hanging prisoners by their wrists, ankles or thumbs for periods of hours or even days, making them stand for hours, and setting trained guard dogs to attack them. Imprisoned nuns have been violated in their vaginas with electric cattle prods.

4. There are credible reports of Tibetans dying as a result of torture in prison.

5. Prisoners do not receive proper medical attention which is said to be limited only to prisoners who are in danger of dying.

6. Prisoners are often kept incommunicado in cells with no beds or grossly insufficient bedding and are not fed properly, resulting in sickness and rapid weight loss.

7. Some Tibetans injured during demonstrations have been denied access to the People's Hospital in Lhasa. Tibetans admitted to hospitals have been questioned, photographed and/or taken to prison instead of being treated for their injuries, in violation of international standards for medical sanctuary

HISTORICAL BACKGROUND

For over 2,000 years Tibet has been an ethnically, culturally and linguistically distinct entity. In the eighth century Tibet emerged as the most powerful state in Asia and conquered large parts of China. In the thirteenth century, however, Tibet came under the domination of the Mongol Empire and developed a priest-patron relationship (Cho-yon[7]) with its Emperors.

In 1720 Manchu troops entered Tibet, as they did again in 1728, 1750 and 1793. Again, the Cho-yon relationship became the basis for Tibet's association with the new invaders. Manchu influence over Tibet reached its peak after 1793 when Manchu officials (Ambans) in Tibet began to supervise, and in some cases to conduct, Tibet's foreign affairs.

Manchu influence steadily fell during the nineteenth century and Tibet was invaded, though not dominated, in 1842, 1856 and 1903 by the Dogras, the Ghorkas and the British respectively.[8] Then, in 1911, Tibet expelled all Chinese officials and was free of Chinese influence until 1950 when the Red Army overwhelmed an ill-equipped Tibetan force of only 8,000.

The Tibetans, who had never experienced Chinese rule of their internal affairs, resisted the consolidation of Chinese power, which culminated in a national uprising in 1959. During the uprising, more than 87,000 Tibetans were killed by the Chinese army and the Dalai Lama narrowly escaped to India along with more than 100,000 followers.[9]

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[7] The Cho-yon relationship is a uniquely Buddhist and Central Asian religion-political institution formed as a personal bond consisting of the elements of protection by the Patron of his Priest and the Priests commitment to fulfill the Patrons spiritual needs. Walt, Michael van, The Status of Tibet: History, Rights, and Prospects in International Law (Boulder, Co.: Westview Press, 1987), p.123.

[8] See Tsepon Shakabpa, Tibet: A Political History (New York: Potala Publications, 1988).

[9] The Dalai Lama's autobiography, My Land and My People (New York: Potala Publications, 1983) contains fascinating insights into his decision to flee.

In 1960 the International Commission of Jurists found that "acts of genocide had been committed in Tibet in an attempt to destroy the Tibetans as a religious group."[10] The following year, the United Nations General Assembly passed Resolution 1723 which called for an end to practices that deprived the Tibetan people of their right to self-determination.[11] So far, no substantive action has been taken on these resolutions by the United Nations and now that China occupies a seat in the UN Security Council, this situation will be difficult to change.

In the years following the aborted 1959 uprising, the Chinese put tens of thousands of Tibetans in prisons and forced labor camps where many were executed or starved or tortured to death. At the same time, the Chinese decimated the monastic system by razing over 6,000 monasteries and temples.[12] For the next three decades, the Chinese effectively closed Tibet off from the rest of the world; the horrors to which Tibetans were subjected were largely unknown until the 1980s.

**Tibetans estimate that at least one million of their people,
up to one-sixth of the population,
have died as a direct result of the occupation policies of the Chinese.**

During the Cultural Revolution (from 1966 to 1976) China seemed to be trying to eradicate all vestiges of the Tibetan identity--Tibetan language, dress, religious practices, icons and cultural traditions were largely banned.[13] Misconceived agricultural "reform," including forcing farmers to grow wheat in an unsuitable environment, led to the first recorded famine in Tibetan history, leaving tens of thousands of Tibetans dead by 1973. Overall, Tibetans estimate that at least one million of their people, up to one-sixth of the population, have died as a direct result of the occupation policies of the Chinese.[14]

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[10] International Commission of Jurists. "Report on Tibet and the Chinese People's Republic," Geneva, 1960. The finding was based on four principal facts: The Chinese will not permit adherence to Buddhism in Tibet; they have systematically set out to eradicate this religious belief in Tibet; they have killed religious figures because their religious belief and practice were an encouragement and example to others; and they have forcibly transferred large numbers of Tibetan children to a Chinese materialist environment to prevent them from having a religious upbringing.

[11] The General Assembly also passed resolutions in 1959 (#1353) and in 1965 (#2079).

[12] According to "Tibet: The Facts," a report by the Scientific Buddhist Association for the U.N. Commission on Human Rights, 80% of monasteries and temples were destroyed from 1960 to 1966, before the Cultural Revolution.

[13] See, for example, "Revolutionary Masses of Various Nationalities in Lhasa Thoroughly Smash the 'Four Olds'" Kung-jen Jih-pao, Lhasa, Aug. 28, 1966.

Following a trip to Tibet in 1980, Hu Yaobang, the Chinese Communist Part (CCP) General Secretary, recommended a series of reforms that included the withdrawal of a significant portion of Chinese settlers and allowing Tibetans to grow their traditional barley instead of wheat. The settlers were not withdrawn, however, and despite a degree of liberalization in many other spheres, Tibetans feel that they still have little voice or control in determining policies in Tibet. Religion is perhaps the most contested "reform." Some monasteries are being rebuilt and repaired, but the CCP dominated bodies tightly control admission to the monasteries as well as their management, and many traditional methods of teaching and study of Tibetan Buddhism are still forbidden. The lack of genuine separation of church and state was recently made plain when the Buddhist Association of China (BAC) expelled two monks for violating its charter which stipulates that all BAC "members must love the motherland, cherish Buddhism and safeguard the unification of the country."[15]

Pilgrims lining up to worship in the Jokhang Temple, Lhasa. (Photo: Galen Rowell)

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[14] For a discussion of the estimate that over one million Tibetans have died, see Asia Watch, "Human Rights in Tibet," Washington, D.C., February, 1988, pp.9-10.

[15] Xinhua (Official Chinese News Service), September 21, 1989. One of the expelled monks was Yulo Dawa Tsering.

With the liberalization came the opening of Tibet to tourism, with 43,000 visitors to Lhasa in 1987. October 1, 1987 marked the first of a series of major demonstrations to be witnessed by hundreds of foreign visitors, including the authors of this report. The demonstration began when several dozen monks marched through the Tibetan quarter calling for independence and the release of previously arrested monks. Within hours, thousands of Tibetans had joined the demonstration, and by the end of the day at least a dozen lay dead from Chinese gunfire. By March 1989 foreign visitors had witnessed six major demonstrations in which scores of Tibetans were killed.[16]

Monks running into burning police station during pro-independence demonstration to help arrested monks inside to escape. Lhasa, October 1, 1987. (Photo: John Ackerly)

The Chinese imposed martial law on Lhasa on March 7, 1989, months before it was imposed in Beijing -- and it remains in effect today with no end in sight. The decrees give virtually unlimited power to the police and army to detain, arrest and interrogate any Tibetan on the slightest suspicion. The decrees require Tibetans, including all monks and nuns, to carry passes whenever they go outside. Even preschool children "should move about with adults." Tourists are required to stay at the new Lhasa Hotel, run by the Holiday Inn, two miles from the Tibetan quarter and are not allowed off the hotel grounds unless "accompanied by Chinese guides."[17]

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[16] See Daniel Southerland, "Tourists Seen Playing Role Inside Tibet: Foreign Travelers Supporting Monks," Washington Post, Oct. 11, 1987. By exposing what they have seen, individual travelers have at times acted as a sort of sympathetic, phantom press.

[17] Martial Law Order No. 4. See also Jay Branegan, "Green Uniforms, Crimson Robes," Time, (International Edition), Aug. 28, 1989.

During the 1980s Tibetans began to see a new, insidious threat to the survival of their culture and identity in the form of population transfer of Chinese settlers and cadres. While the numbers of Chinese in different parts of Tibet is hotly disputed, it is undeniable that the China is offering incentives for tens of thousands of its citizens to settle in Tibet. Already, Tibetans have been reduced to a minority in many parts of their traditional homeland.[16] When the Dalai Lama was awarded the 1989 Nobel Peace Prize, he said, "The government of the People's Republic of China is practicing a form of genocide by relocating millions of Chinese settlers into Tibet. I ask that this massive population transfer be stopped."

Tibetan killed by security forces during pro-independence demonstration. Lhasa, October 1, 1987. (Photo: John Ackerly)

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[16] Michael van Walt, "Population Transfer and the Survival of the Tibetan Identity," paper prepared for the seventh Annual International Human Rights Symposium and Research Conference at Columbia University, 1986.

A Note on Tibetan Medicine

Medicine in Tibet began as one of ten branches of learning originally pursued by all Mahayana Buddhist monks. It flourished for 1,000 years in northern India's great universities before crossing the Himalayas into Tibet in the first century. By the sixth century, Tibetan medicine was widely accepted and practiced in Asia -- 100 medical texts appeared during this time on subjects ranging from diagnosis and treatment of diseases to pharmacology and embryology.

Tibet had several well-established medical colleges, including Melung, south of Lhasa, and Chokpori, the most prestigious one, perched on a hill in front of the Potala Palace in Lhasa. Physicians from all over Tibet trained at Chokpori until 1959 when Chinese artillery razed it. Presently a radio transmitter stands on Chokpori hill.

The Mendzakhang hospital was built in Lhasa in 1916 and since liberalization in 1980, it has begun to reestablish to a certain degree traditional forms of Tibetan medicine. During a tour of the Mendzakhang in 1987, Dr. Kerr learned that Tibetan physicians were in the process of reassembling medical texts that had been destroyed or taken to China during the 1960s and 1970s. In exile, the Tibetan government established the Tibetan Medical Institute, first in several huts in 1961 and now spread over a complex of buildings with in- and out-patient services, mechanized systems of manufacturing pills, a museum, library, pharmacy and astrology department -- an essential part of Tibetan culture.

Tibetan and allopathic (Western) medicine start from completely different points. Western physicians make a diagnosis from a patient's history, and confirm it with physical exams and diagnostic tests. Tibetan physicians principally make a diagnosis by carefully feeling the patient's pulse. In the Tibetan exile communities, a very reasoned combination of the two systems of medicine is now in use.

Numbers of Tibetan Political Prisoners

Precise figures on the number of prisoners held in Lhasa area prisons are impossible to obtain. Nevertheless, a variety of credible sources estimate that thousands of Tibetans have been arrested in Lhasa since the fall of 1987, and that hundreds of political prisoners remain in Lhasa area prisons. The table on the following page lists some of the estimates.

Clearly, estimates of the number of Tibetan political prisoners fluctuate. Interviewees explained that during the months following a major demonstration, Lhasa area prisons often became overcrowded. And although many prisoners may be released, some will be imprisoned again following the next demonstration. Therefore, at any given time the number of long-term political prisoners may be only a fraction of the number of Tibetans who have been imprisoned for shorter periods of time.

Estimating the number of political prisoners in Tibet is further complicated by the difficultly of distinguishing between political prisoners and common criminals. Many political prisoners are held on nominal criminal charges; only a fraction are charged as "counter revolutionaries." Many others are charged with both political and common crimes. For example, Pemba Tsering, 30, was sentenced in August 1989 to three years in prison for "participating in counter-revolutionary riot activities, taking the lead in shouting reactionary slogans and damaging public property."[19]

Asia Watch has reported that many political prisoners are charged solely under criminal statutes that have no political implications, that political beliefs can significantly affect length of imprisonment and conditions of imprisonment (even for common criminals), and that most Tibetan political prisoners are imprisoned because of their involvement in or advocacy of Tibetan independence from China[20] or for proclaiming an allegiance to the Dalai Lama. Given that Lhasa only has 40,000 to 70,000 Tibetans,[21] there may be few Tibetans who have not had a family member, relative or friend detained in prison.

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[19] Xinhua (Official Chinese News Service), "Tibet Sentences March 'Tumult' Participants," Aug. 6, 1989.

[20] Asia Watch, Statement on "Human Rights in Tibet," for Hearings of the Subcommittees on Human Rights and International Organizations and on Asian and Pacific Affairs, Committee on Foreign Affairs, House of Representatives, October 14, 1987, p. 8. (Hereafter referred to as "Statement of Asia Watch").

[21] The real population of Lhasa is not known, probably not even by the Chinese. Most informed estimates hover around the 140,000 mark, of which perhaps 70,000 to 100,000 are Chinese.

Date	Source	Estimate/Explanation
March 1989	Wash. Post	600-2,000 detained[22]
March 1988	U.N.	840 arrested[23]
July 1988	U.N.	144 monks missing since March[24]
January 1989	State Dept.	13-100 remain in prison[25]
March 1989	N.Y.T.	10,000 or more arrested[26]
March 1989	U.S. Senate	Names, ages & arrest dates of over 100 political prisoners[27]
March 1989	Newsweek	Thousands arrested[28]
April 1989	Xinhua	300 remain in prison[29]

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[22] Daniel Southerland, "Tibetan Tells of Torture," Washington Post, Sept. 6, 1988. See also, The Rt. Hon. Lord Ennals & Frederick R. Hyde-Chambers, "Tibet in China," Report published by International Alert (London, 1988), p.36.

[23] United Nations "Report by the Special Rapporteur, Mr. P. Kooijmans, Pursuant to Commission on Human Rights Resolution 1988/32" (E/CN.4/1989/15), p.6.

[24] United Nations, Report Submitted by Mr. Angelo Vidal d'Almeida Ribeiro, Special Rapporteur Appointed in Accordance with Resolution 1986/20 of the Commission on Human Rights" (E/CN.4/1989/44), p.11.

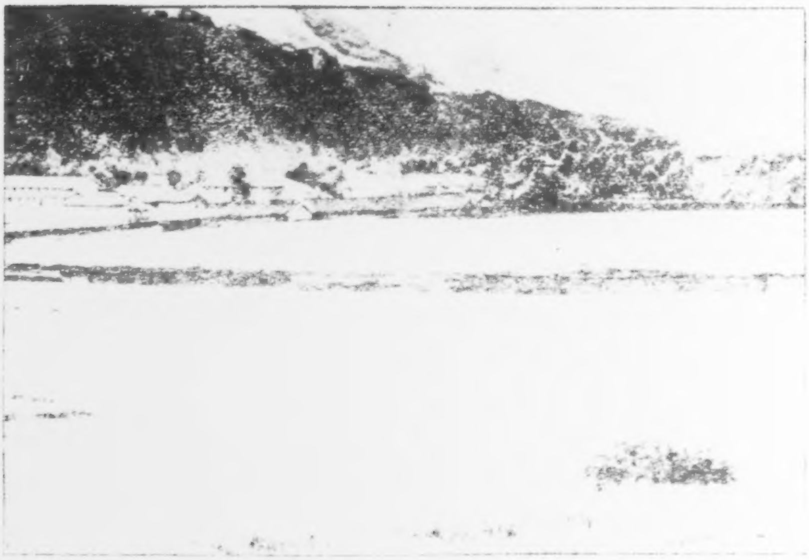
[25] United States Department of State, Country Reports on Human Rights Practices for 1988 (Washington, D.C.: U.S. Government Printing Office, 1989), p.768.

[26] Barbara Crossette, "Dalai Lama Sees a Culture Endangered," New York Times, March 22, 1989. While this figure appears high as a number of persons arrested and imprisoned, it is not unreasonable that 10,000 Tibetans could have been detained, at least for a brief period of time.

[27] Congressional Record, May 18, 1989, S5737. In his floor statement, Senator Leahy urged Senators to write to Chinese authorities "with the same persistence, diligence, and forcefulness as we have all these years on behalf of Soviet citizens mistreated by their government."

[28] "A Firestorm in Shangri-la," Newsweek, March 20, 1989.

[29] "Tibet Says 300 Are in Detention," New York Times, April 1, 1989.



Prison in the town of Xinduqiao, Kham area of Tibet. (Photo: Asupi)

Prisons in the Lhasa Area

We received extensive information about Lhasa area prisons namely Sangyip, Gutsa and Drapchi.[30] We also received reports about a prison in Shigatse and scanty information about labor camps in isolated areas such as Kong-po. Recent refugees also tell of a new prison facility established at Dechen Dzong in Toelung, 20 kilometers west of Lhasa. And in the fall of 1989 reports began to come out about the Chokpori detention center, located opposite the Potala, which is reportedly reserved for only a small number of special cases. Tibetans believe that political prisoners are being held in jails or prisons in all of Tibet's main counties and prefectures.[31]

Official Chinese sources contradict this information. According to "Some Basic Facts About Tibet," a paper distributed by the Chinese Embassy in Washington, D.C., Tibet has only one prison and two labor camps. The names and locations of the prison and camps are not provided. The paper said that Zichang, President of the TAR's Higher People's Court, "laughed at the rumors now circulating abroad about the number of prisons and inmates in Tibet." Zichang said that "97.2 percent of inmates were convicted on criminal charges and the rest on charges of counter-revolution." It is possible that these percentages have some basis in reality since many political acts have been criminalized, but this is an area in which Chinese statistics and pronouncements are notoriously unreliable.

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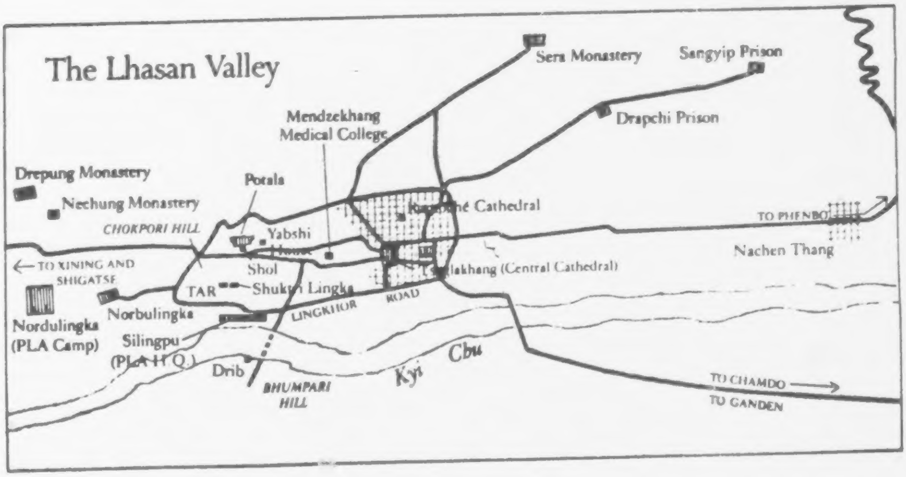
[30] For a dated overview of prisons in Tibet see Information Office of His Holiness the Dalai Lama, Glimpses of Tibet Today (Dharamsala:1978), pp.61-66.

[31] Statement of Asia Watch, p. 8.

We did not gain enough information to include details about the labor camps to which prisoners are often sent after or during a prison sentence. It is known that prisoners have been used in logging and mining operations in eastern Tibet and that both high and low security labor camps exist. The latter sometimes pay workers and allow them to live on their own, but workers must remain under supervision and cannot leave the area.

LHASA AREA PRISONS



Gutsa

Gutsa, located three miles east of Lhasa near the Kyichu river, is considered to be a temporary holding facility. After prisoners' crimes are investigated and a formal or informal sentence given, they are often farmed out to the other prisons or sometimes released. Gutsa holds both political and common prisoners and, as Amnesty International concluded in February 1989, "torture and ill-treatment appear to have been particularly frequent at Gutsa."

Lobsang Dhondup, (Dharamsala, 12/3/88), an 18 year-old monk from Sera Monastery, spent a total of eight months in several different prisons. After being badly beaten during the March 5, 1988 demonstration, he was imprisoned in Gutsa where he said every cell was packed beyond capacity. He knew of four buildings in an inner compound. Each building had seven rooms, with eight to 15 prisoners in a room. (He was in the second building, which had rooms #13-20.) According to these estimates there would have been 224 to 420 prisoners in Gutsa at that time. Lobsang estimated that at least half of them were political prisoners. Another prisoner held in Gutsa estimated that there were approximately 400 prisoners in Gutsa, with up to 100 monks, as of August 1988.[32]

According to Thapkey Dorje (Bir, 11/1/88), the 26 year-old former Tibetan policeman, Gutsa was built in 1983 and 1984 and has a capacity of approximately 1,000. Another source estimated that Gutsa can hold up to 600 prisoners.[33]

Drapchi

Drapchi, located on the northeastern outskirts of Lhasa, was originally built as barracks for Chinese soldiers. During the 1959 popular uprising, the Chinese turned Drapchi into a prison, principally for monks.[34] One ex-prisoner estimated that on average Drapchi held approximately 1,700 prisoners.[35] Some sources have placed the number of prisoners who died in Drapchi between 1960 and 1965 as high as 10,000.[36] Thapkey Dorje said that he thought Drapchi held approximately 700 inmates, and was also often used for political prisoners.

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[32] Southerland, "Tibetan Tells of Torture."

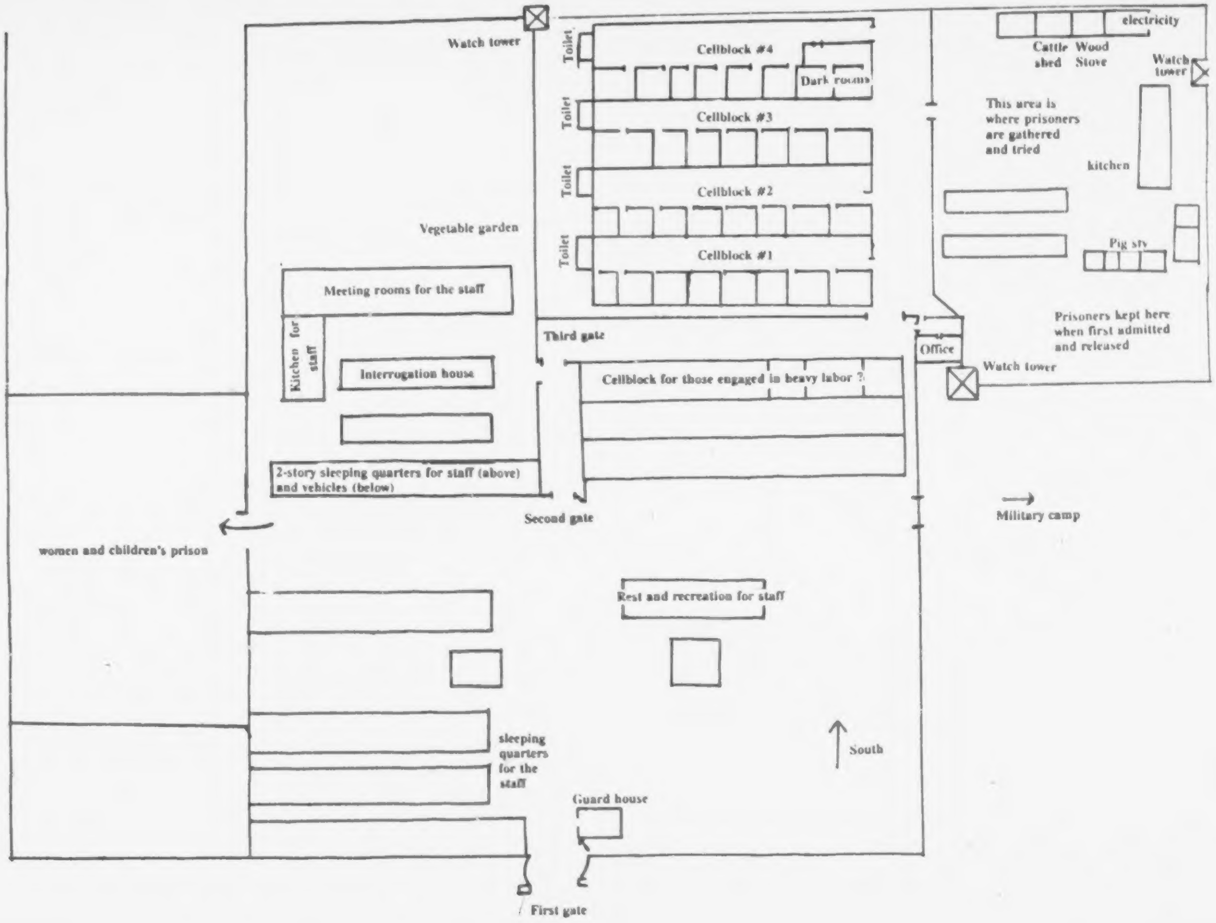
[33] There is some uncertainty as to whether or where women are held at Gutsa. Sonam Tsering, (Dharmsala, 11/25/88), was sure that there were no women kept in the inner compound at Gutsa, where he thought all the political prisoners arrested for demonstrations were being held. He thought there may be a separate prison facility for women named "Chinyugoa," located right behind Gutsa. However, other reliable sources include accounts of women being taken to Gutsa. In this instance and in others, confusion may arise because some consider a facility a separate entity while others perceive it as part of a larger prison.

[34] John Avedon, In Exile From the Land of Snows (New York: Random House, 1986) p.304.

[35] Ibid.

[36] Minority Rights Group, "The Tibetans: Two Perspectives on Tibetan-Chinese Relations" Report No. 49, London, 1983, p.20.

GUTSA PRISON


Watch tower
Toilet
Cellblock #4
Dark rooms
Toilet
Cellblock #3
Toilet
Cellblock #2
Toilet
Cellblock #1
electricity
Cattle shed
Wood Stove
Watch tower
This area is where prisoners are gathered and tried
kitchen
Pig sty
Prisoners kept here when first admitted and released
Vegetable garden
Meeting rooms for the staff
Kitchen for staff
Interrogation house
Third gate
Cellblock for those engaged in heavy labor ?
Office
Watch tower
2-story sleeping quarters for staff (above) and vehicles (below)
Second gate
Military camp
women and children's prison
Rest and recreation for staff
sleeping quarters for the staff
South
Guard house
First gate

Sangyip

Sangyip can be reached by driving northeast from Lhasa for about ten minutes. Sangyip's Brigade #5 was reported to have 2,000 Tibetan prisoners, the overwhelming majority being political.[37] Tinley Chophel (Dharamsala, 11/4/88), a 25 year-old monk from Sera Monastery arrested for participating in the March 5, 1988 demonstration, was in Sangyip for several weeks. He confirmed that most of the inmates there are political prisoners in contrast to Gutsa which has many common criminals.

Utitod

Utitod is a medium or minimum security prison that lies adjacent to Sangyip and could be considered part of the Sangyip complex. However, since it is referred to as a separate facility by those who have been interned there, we have included it here as such.

After two weeks in Gutsa prison, Lobsang Dhondup was moved to Utitod prison, where he was put in a cell with 20 other monks who had also been arrested on March 5, 1988. In his building Lobsang counted 15 cells, eight of which were occupied. He thought that his building was for inmates with indefinite terms, and that the three other buildings were for fixed term prisoners. Former policeman Thapkey Dorje said that Utitod held 300 to 500 people and was used primarily for political prisoners.

Titchu

Several interviewees also told us of Titchu prison in Shigatse, Tibet's second largest city located on the road between Lhasa and Kathmandu. Tenzin Samphel (Dharamsala, 12/2/88), a 24 year-old peddler from northeastern Tibet who was caught trying to flee to Nepal, estimated that there were 60 to 70 prisoners at Titchu, all of whom had been caught trying to cross the border or handed over by Nepalese border guards. Five or six prisoners were Chinese and the rest were Tibetan. All were relatively young men and many were monks.

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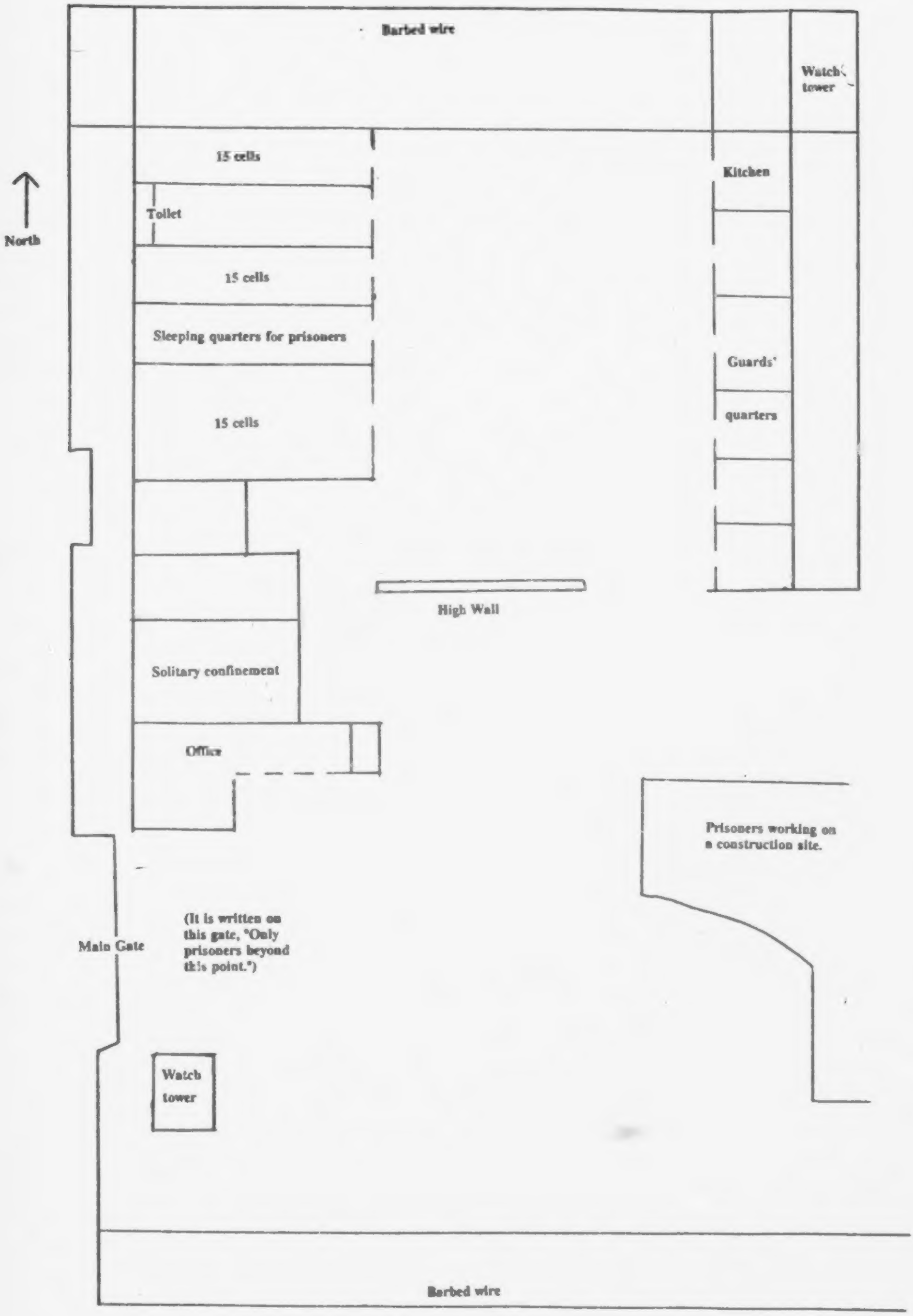
[37] John Avedon, Tibet Today: Current Conditions and Prospects (London: Wisdom Publications, 1988), p.23.

UTITOD PRISON



Maintenance of Prisoners

Food

All of those interviewed stated that the food provided in prison was insufficient and nutritionally inadequate.

Sonam Tsering (Dharamsala, 11/25/88), a 20 year-old monk from Sera Monastery gave the following account. His day in Sangyip began at 6:00 when the guards woke everyone up. Sometimes they told him that it was an interrogation day, and he would then have little time to get prepared. If it was not an interrogation day, breakfast would come at 8:00, consisting of a half-filled bowl of thin, watery rice porridge which appeared through a hole in the door. At 1:00 the prisoners were served lunch -- one ladle of boiled vegetables and steamed bread. Dinner was the same as lunch, except that it did not always arrive. Sonam lost weight rapidly.

Sonam, who had also been in Gutsa, said that the food there was much worse than in Sangyip. Often there were no vegetables and no bread. Each day he was fed two momos (steamed dumplings) in the morning and two more at night. Some days, however, he received no food at all. Moreover, water was in scarce supply. One morning Sonam heard the voice of Yulo Dawa Tsering[38] in the cell next door, whom he had known before they were both imprisoned. Yulo sounded very weak. He was saying that he was very thirsty and had not been able to sleep all night.

Tenzin Samphel (Dharamsala, 12/2/88) said that in Shigatse's Titchu prison the food was so old and rotten that it gave off an overpowering stench.[39] In Utitod prison, according to Lobsang Dhondup (Dharamsala, 12/3/88), the fixed term prisoners[40] got more food and water and tried to share it with the temporary prisoners but risked severe punishment if they were caught. The easiest way for them to slip food into a cell was when they came to clean the floors of the temporary prisoner building "when a guard wasn't looking." A constant danger was that a Chinese prisoner would tell the guards and get the Tibetans in more trouble.

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[38] Yulo Dawa Tsering, perhaps Tibet's best known political prisoner, was sentenced to 14 years for "counter-revolutionary propaganda," and has been adopted as a prisoner of conscience by Amnesty International. Formerly, he was a monk, professor of philosophy and member of the Chinese People's Political Consultative Conference (CPPCC).

[39] For further discussion of food, see Amnesty International, "Torture and Ill-Treatment in Detention of Tibetans Arrested for Alleged Involvement in Pro-independence Activities in the Tibet Autonomous Region (TAR)." London, 1989. Hereafter referred to as AI, "Torture and Ill-Treatment". See also Asia Watch, Human Rights in Tibet (Washington, D.C.:1988), pp. 28-29.

[40] Lobsang said that generally, "fixed term prisoners" have been sentenced although that did not mean they had a "trial." Temporary prisoners are generally untried and unsentenced.

Condition of Cells

Cells typically are no more than a cement room with one barred window and a pail. Mattresses are sometimes absent, and often several prisoners have to share one mattress. In October of 1987, when Sonam Tsering was arrested for demonstrating and taken to Sangyip, he was put in a solitary cell measuring 12 x 10 feet. Although Sonam received his own mattress and one quilt, everyone we interviewed who was imprisoned after March of 1988 said that mattresses and blankets were in very short supply and that prisoners shared.

Sonam said that each cell in Sangyip had a pail for a toilet. Except when he was taken out for interrogation, he was allowed out of his cell only once a day for several minutes to take his pail and empty it out in the bathroom. About once a week he was allowed to wash, but he never had any soap or a towel. The cell had one window, opposite the door. All he could see was the next building, about 20 feet away. He was shifted between several cells. The first one had a bed; the others did not.

One blanket was given to every two prisoners to share.
Cells were not heated, and during the winter they became bitterly cold....
The average temperature in Lhasa during winter months
is approximately -2° Celsius (28° Fahrenheit).

After several months Sonam was moved to Gutsa and kept in darkness for 45 days. His cell had no window and no light bulb. He only saw light once a day when he was let out to use the bathroom or when he was interrogated. From other accounts, it appears that it is more common for a single light bulb to be left on 24 hours a day so that the guards can periodically check up on the prisoners.[41]

Lobsang Dhondup (Dharamsala, 12/3/88), was beaten and arrested during the March 5 demonstration. First he was taken to Gutsa, where there were no beds or other fixtures in the cell, only a small tin bucket in which to urinate and a thin rug for him and his eleven cell-mates to sleep on. They were given no blankets. One small window provided light for the cell.

Lobsang was moved to Utitod later in March 1988. His cell there had two cement platforms covered with a tarpaulin on which to sleep. One blanket was given to every two prisoners to share. Cells were not heated, and during the winter they became bitterly cold. In some instances, the prison provided an extra blanket. The average temperature in Lhasa during winter months is approximately -2 Celsius (28 Fahrenheit).

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[41] Tibet Information Network (TIN), Int. #4, p.7 & #5, p.3. A series of unpublished interviews was made available to us by TIN in London, after deleting names and other identifying information to protect the confidentiality of those still in Tibet. These interviews of torture victims were carried out in Tibet and are considered to be of the utmost reliability as they were all taped and carefully transcribed. We refer to them as TIN, Int. #1-11.

Sanitation

Prison cells in Tibet do not have running water (few Tibetan homes have running water inside). Prisoners are generally not supplied with even a pail of water in their cells. One pail is provided in each cell to use as a toilet and the prisoner is allowed to empty it once a day. Interviewees stated that the stench from these buckets is particularly bad in the summer. We are aware of only one prisoner who said he was allowed to empty his pail of urine and feces twice each day. He was in Drapchi during the summer of 1988.

Prisoners are not supplied with soap and they have only one set of clothes which often are never washed even during a several month stay in prison. We heard of cases where families have been allowed to leave soap for an incarcerated relative at the prison gates. We do not know, however, if the prisoners received packages left by families. Lobsang Dhondup said that he was never allowed an opportunity to wash himself or his clothes properly during his four month stay in Sangyip and Gutsa.

One man imprisoned in Gutsa from March to April, 1988 stated that "sometimes we were let outside twice a day, sometimes only once. It depends on the guard; some guards let us sit in the sun for half an hour. Some guards put us back in the cell immediately after we had been to the toilet." He said that they were always let out "in a group, never alone. Each cell was taken out one at a time."[42]

Thapkey Dorje (Bir, 11/1/88), the former policeman, said that political prisoners are generally not let out of their cell except to empty their toilet pail. Common criminals are let out for short periods of time each day unless they are required to work, in which case they can be out all day.

Labor

Our interviews indicate that prisoners arrested during the last year and a half were not forced to work during the initial phase of their incarceration. However, other prisoners have reported that they were made to work within months of their arrest. One said that prisoners had to wash the guards' clothing and carry sand and rocks in Gutsa. A nun explained that "prisoners who had to work had committed less serious crimes."[43]

During four months in Utitod prison, Lobsang Dhondup was made to work for only one day digging trenches, for which he was given more water, which was scarce. The fixed term prisoners, who may have all been common criminals and who were required to work, got better food and water than the temporary prisoners, who at this time were predominantly political.

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[42] TIN, Int. #5, p.4. Interviews made available by the Tibet Information Network contain testimony that prisoners were let out of their cells more frequently and for longer periods than our interviewees indicated.

[43] TIN, Int. #7, p.5.

Other published reports state that hard labor is common for political prisoners who are serving long sentences.[44] According to Zichang, the President of the High People's Court of the TAR, "we also follow the policy of helping the prisoners turn a new lease of [sic] life by forcing them to reform through labour."[45]

Access to Prisoners

None of the victims we interviewed were ever allowed a visit from family or friends. However, Yoden Choedak (Dharamsala, 10/31/88), who had been a nurse, was allowed to make a visit to an imprisoned nun. Credible reports indicate that many prisoners have visitation rights, but they seem to be for those who have already been sentenced and imprisoned for periods of several years or more. Visits are rare, if allowed at all, for political prisoners during their first months of incarceration.[46] In general, prisoners arrested for involvement in demonstrations are almost always held incommunicado until their release,[47] and access to prisoners depends largely on connections (guanxi). Thus, all of the patterns identified here are subject to exceptions.

We had one report that the wife of a political prisoner was allowed to visit him while he was being tortured in an attempt to extract a confession. However, we could not confirm that her visit was deliberately being used for this purpose.

Tenpa Namdol (Dharamsala, 11/27/88), a 21 year-old monk from Drepung told us that after some of his friends were arrested, other monks went to Gutsa prison with food and quilts. Prison officials did not allow them to visit the men or leave the food, but did permit them to leave the quilts. Other prisoners have reported receiving clothing and soap but being denied gifts of food and personal letters.[48]

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[44] See Asia Watch, Human Rights in Tibet, pp. 29, 35. See also "Statement of Asia Watch," p. 10.

[45] From "Some Basic Facts About Tibet," a paper distributed by the Chinese Embassy, Washington, D.C., 1989, p.8. For a discussion of labor in Tibetan prisons during the Cultural Revolution, see Information Office, Glimpses of Tibet Today, pp.61-66.

[46] See also U.S. Department of State, "Country Reports," p.767. A prisoner reported in Asia Watch, Human Rights in Tibet, p.31, that "a small number of people have minor visitation privileges. They can have a visitor on one day of each month. Political prisoners, because they are...such trash...are denied this. Now they can have visitations once every three or four months...for only two minutes. There is a PSB [Public Security Bureau] worker nearby to listen to all that is said.... Only family members can visit....Visitors have to make themselves clearly known to the authorities: 'Where are you from? Who are you going to see? What is your [district] committee? Where is you residence?'"

[47] AI, "Torture and Ill-Treatment," p.1.

We were surprised to find family members sometimes knew the status of their imprisoned relative before release by word of mouth within the Tibetan community. Members of the Public Security Bureau (PSB), prison guards and hospital employees were all cited as sources. The family may also hear from other families who have an imprisoned member or they may go to the prisons and ask guards.

Duration of Imprisonment

The eight Tibetans we interviewed who had been in prison were incarcerated for periods ranging from four days to eight months. Obviously, others held for longer periods were not, and still are not, available for interviews.[49]

> **Prisoners are...released earlier if they do not express any anti-Chinese sentiments during interrogation. Nima Pasang, a 22 year-old man who shared a cell with a nun, said that he was sure that they would keep her for a long time because she kept yelling "Long live the Dalai Lama" at her interrogators. "Unless you hide your feelings and keep quiet," Nima said, "they will not release you."**

The duration of imprisonment is not necessarily arbitrary. All of those interviewed told us that the Chinese are trying to uncover the leaders of the demonstrations and outspoken advocates of Tibetan nationalism, who, if found, will be held significantly longer. Prisoners are also released earlier if they do not express any anti-Chinese sentiments during interrogation.

Nima Pasang, (Delhi, 12/6/88) a 22 year-old man who shared a cell with a nun, said that he was sure that they would keep her for a long time because she kept yelling "Long live the Dalai Lama" at her interrogators. "Unless you hide your feelings and keep quiet," Nima said, "they will not release you."

After spending two months in Titchu prison for trying to flee to Nepal, Tenzin Samphel (Dharamsala, 12/2/88), said that many of the prisoners had been there for five or six months and could expect to remain in prison for up to two years. They were told that this was the statutory maximum length for the crime of leaving the country without authorization.

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[48] TIN, Int. #5, p.4.

[49] For a unique analysis of duration of sentences of political criminals in China, see Wu Yuan-li, "A Statistical Analysis of Judicial Practice and the Human Rights Condition in the People's Republic of China," in Human Rights in the People's Republic of China, ed. by Wu (Boulder, Co.: Westview Press, 1988), pp.297-315.

Jampey Losel, (Kathmandu, 11/20/88), a 23 year-old monk from Lhasa, said that he quickly became "mentally sick" from the torture and could not even tell us how long he had been imprisoned but estimated that it may have been two to four weeks.

Under Chinese law, post-arrest detention without bail is permissible and has even been expanded to include pre-arrest detention for up to ten days.[50]

Face of the 75 ft. high image of Chamba, Buddha of the Future, in Tashihunpo. (Photo: Galen Rowell)

Prisoners' State of Mind

Several of the monks we interviewed explained how their monastic training made them more resistant to torture. First, the discipline required to meditate for long periods of time helped monks endure the rigors of prison. And second, Buddhist doctrines of patience and compassion for all living things encouraged them to look for good qualities in their captors and to put the horrors of prison into perspective as something that would pass.[51]

Sonam Tsering (Dharamsala, 11/25), one of the young Sera monks, said that he did not give any information to his interrogators. As time went on, he became increasingly angry and more determined not to talk to his interrogators. His training as a monk allowed him to focus on meditating in his cell. He did not worry much about his fate because there was nothing he could do about it. Despite promises by the guards to the contrary, Sonam thought the prisoners were treated more or less the same whether they gave information to their interrogators or remained silent.

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[50] Chinese Criminal Procedure Law, Art. 41 and Art. 48. See Delores Donovan, "The Structure of the Chinese Criminal Justice System: A Comparative Perspective," University of San Francisco Law Review Vol. 21, No.2/3 (Winter/Spring, 1987), p.265.

[51] For a detailed, fascinating account of how Buddhist practices and teachings helped one prisoner endure years of imprisonment, see "Jiuzhen Prison: A Tibetan Account" by Dr. Tenzin Choedrak in Seeds of Fire: Chinese Voices of Conscience, edited by Geremie Barme and John Minford (New York: Hill and Wang, 1989). Another thoughtful account of Dr. Choedrak's mental state in prison can be found in a four part series in News Tibet by Dr. Albert Crum, Vol. 22, Nos.1-4.

One of the most often mentioned reasons for surviving extended torture was inspiration drawn from the Dalai Lama and the belief that he was praying for them. Whether the prisoners came from the monastic or lay community, they believed that by the Dalai Lama's grace they would recuperate. According to a 26 year-old Tibetan in Sangyip, "I did not think of myself in prison. Food was enough. My thoughts were of His Holiness. I kept myself calm and said my prayers."[52]

Prison is inherently an isolating, lonely environment, made even more so by rules forbidding prisoners to talk among themselves. Lobsang Dhondup reported that in Gutsa all talking was strictly prohibited in the cell. However, at night the prisoners were able to whisper among themselves and find out about each other. One prisoner in Drapchi was reportedly shackled and shown to the prisoners as an example of the punishment meted out for speaking to other prisoners.

Although we received no accounts of prisoners taking their own lives, the literature contains an unconfirmed report of one prisoner who attempted suicide,[53] and a Tibetan policeman who succeeded.[54]

Mt. Kailas pilgrimage. (Photo: Galen Rowell)

Sanctions Against Former Prisoners

Following release from prison, all of those interviewed said that they experienced various forms of political reprisals or economic sanctions. The virtual surety of sanctions leads many to attempt the dangerous flight through the Himalayas into exile.

Tenpa Namdol, (Dharamsala, 11/27/88) watched as his friends were arrested for raising the Tibetan national flag over his monastery, an act in which he too participated. He thought that it was only a matter of time before one of them gave his name under torture. Fearing retribution, he chose to flee to India, even though this meant he would surely be tortured if the army caught him trying to escape.

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[52] TIN, Int. #2, p.7.

[53] TIN, Int. #5, p.8.

[54] Ennals and Hyde-Chambers, "Tibet in China," p.52. One of our interviewees told us that a Tibetan policeman committed suicide because he had shot a Chinese policeman in the police station on Oct. 1, 1987. We were told that when he realized that he was about to be identified as the assailant, he went home and shot himself in the head with his revolver.

In Utitod prison, Lobsang Dhondup was told in the spring of 1988 that no monk involved in the March 5 demonstration would be allowed to go back to his monastery. But after several months the prisoners heard that an order had come from Beijing telling the local authorities that the monks should be allowed to return to their monasteries if they were not involved in organizing the demonstration. Lobsang said that both the prisoners and the guards were surprised by this order which they heard was the result of international pressure.

Lobsang Dhondup was released from prison after four months and 13 days only to be caught while trying to flee to Nepal and imprisoned again, this time in Shigatse for another three and a half months. Upon his release he and six other Sera monks were prohibited from returning to their monastery. They were told to go back to their villages and abandon their religious livelihood. When Lobsang left for India, the other six monks, including his best friend, had still not been allowed to rejoin Sera Monastery. Authorities were pressuring them, under threat of arrest, to go back to their home town.

Economic sanctions vary from the mundane to the outrageous. Yoden Choedak (Dharamsala, 10/31/88), the nurse, had to pay 20 yuan a day for the food she ate during her four-day imprisonment for participating in Lhasa's October 1st, 1987 demonstration. We were told of others who lost their jobs after being arrested. However, one man said that he was allowed to go back to work after being released from prison and only had his pay docked for the period he was incarcerated.[55] When Kelsang Wangyal, a 22 year-old monk from Lhasa's Jokhang Cathedral, went to the police station to collect the body of a friend, he found:

> My friend was shot by a pistol during the March 5th, 1988 demonstration. He died in the People's Hospital after seven days. In order to get the body back, several of us [monks] went to the police station where, we were told, we had to pay 600 yuan for the body to cover the cost of medicines and an operation. We said we did not have that much money and our names were recorded. Then the police said that if we did not come up with the money, we would all go to prison. We returned the next day with the money and recovered the body.[56]

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[55] TIN, Int. #3, p.3.

[56] The common collection fee for bodies of people killed in demonstrations or who died while in police custody in Tibet is 300 to 600 yuan (Most Tibetans living in towns or cities earn between 300 and 1,000 yuan per year, significantly less than in China. A New York Times editorial reported the annual per capita income in Tibet as $110, approximately 385 yuan: "Stand Up for Decency in Tibet," Oct. 8, 1987.)

Patterns of Torture

Patterns of torture are consistent from the Tibetans we interviewed and from other published and unpublished accounts by travelers and human rights groups. The most common pattern is repeated interrogation sessions accompanied by severe beatings and electric shock. If prisoners refuse to state that Tibet is part of China or are suspected of organizing a demonstration or assaulting a policeman or police vehicle, the treatment is much more severe. There is debate over whether the purpose of torture is primarily pragmatic -- to extract confessions and gain information -- or primarily to intimidate and create fear.[57]

In addition to beatings and electric shock, torture techniques include hanging prisoners by their wrists, thumbs or ankles for prolonged periods, submerging prisoners in tubs of cold water or dousing them with water. In general, political prisoners are treated much worse than common criminals.[58]

Chinese and Tibetan party officials, as well as official decrees, have called for the "severe" punishment of "counter-revolutionaries."[59] Martial Law Decree No. 2, issued on March 7, 1989, states that "the judicial departments must immediately investigate criminals referred to in this decree and punish them severely and swiftly." Decree No. 3 says the "personnel on duty have the right to investigate anyone violating these regulations and may take forceful measures on the spot to apprehend them and hold them accountable." The license to use forceful measures is particularly disturbing in light of reports by Westerners in Lhasa at the time that Tibetans were being shot by security personnel on the spot in their homes.

Role of Security Forces

The imposition of martial law in Lhasa in March, 1989 was followed by reports of extraordinarily high numbers of troops and armed police in and around the capital. The South China Morning Post, for example, reported that 170,000 soldiers made up of 17 divisions of the People's Liberation Army were deployed within striking distance of Lhasa, as well as two or three divisions of the People's Armed Police, numbering about 30,000 officers and men.[60] Under Martial Law Decree No. 1, the "public security organs and personnel on martial law duty have the right to search people suspected of causing

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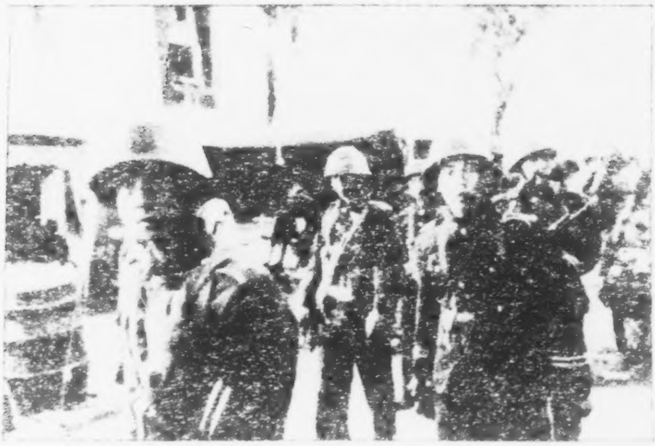
[57] See Ronald Schwartz, "Reform and Repression in Tibet," Telos, August, 1989, p.17.

[58] This is corroborated by testimony from prisoners included in Asia Watch, Human Rights in Tibet, p.30. See also TIN, Int. #7, p.5.

[59] Text of the Tibet Regional People's Government's Decree No. 1 from Lhasa Tibet Regional (radio) Service in Mandarin, reprinted by Foreign Broadcast Information Service, FBIS-CHI-89-044, p.10, March 8, 1989.

[60] South China Morning Post (Hong Kong), March 8, 1989.



Soldiers on the streets in Lhasa, Tibet (Photo: John Ackerly)

riots, places where criminals may be concealed, and other suspicious places."[61]

This report cannot cover the exact role and the identities of the various branches of the PRC government and security forces responsible for watching, investigating, arresting, interrogating and torturing Tibetans. However, in Tibet there are few of the ambiguities that exist in some other countries, where it is unclear who is responsible for which atrocity. For example, there are no known private "death squads" such as those in El Salvador.

Also outside the scope of this report is a full discussion of the role of Western countries in training and supplying Chinese police forces in Tibet. However, it has been reported that Chinese security officials have been trained in recent years in the United States,[62] and anti-riot squads in Lhasa were trained by the Austrian special force "Cobra."[63] Yoden Choedak (Dharamsala, 10/31/88), the nurse, also said that she heard that some Chinese police had been trained in Austria.

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[61] Text of the Tibet Regional People's Government's Decree No. 1 from Lhasa, Tibet Regional (radio) Service in Mandarin, reprinted in FBIS-CHI-89-044, p.10, March 8, 1989. According to some Western observers, the decrees legalized what was already practiced.

[62] Tai Ming Cheung, "Crackdown on Crime," Far Eastern Economic Review, Nov. 3, 1988.

[63] Georg Furbock, "Hilft Wien Chinas Sonder-Polizei in Tibet?" Wiener Kurier, (Vienna), Sept. 5, 1988.

The Public Security Bureau (Gong An Jiu), generally functions as a normal police force, for "investigation, detention and preparatory examination."[64] The Procuratorate (Jian Cha Yuan), is charged with "approving arrest, conducting procutorial work (including investigation) and initiating public prosecution."[65] Very little information is available on the extent to which the Procuratorate is allowed or able to do its job in Tibet. It appears that in the cases of many prisoners the Procuratorate simply is not involved. Indeed, it appears that whatever "trials" are going on may not follow formal judicial procedures and are very expeditious.

Prison guards and officials also have close working relationships with the Public Security Bureau which maintains surveillance over released prisoners. Most officials in the PSB, especially those of higher rank, are Chinese, but there are a number of Tibetan police.[66]

Both Tibetan and Chinese guards torture prisoners. Tibetans, ironically, have both the best and the worst reputations among the prisoners. All but one of our interviewees claimed that the Tibetans were the most brutal torturers. The treatment of prisoners varied widely depending upon the guard.

Although Tibetan guards were reputed to be cruel, they were also in a unique position to help prisoners. Since very few Chinese speak or understand Tibetan, interrogation is generally carried out with the help of these guards, either on their own or as translators. They can thereby confirm where prisoners are being held and what their condition is and communicate this information directly to relatives or friends of the inmate who come to the prisons trying to find a family member, visit or leave food and blankets.

We were told by one ex-prisoner that torture began to let up toward the end of March 1988, when "guards got bored of torturing so much." Another interview provided by the Tibet Information Network asserted that because of the volume of prisoners in March 1988 guards became upset and irritable over having to work long hours without holidays.[67]

Interrogation

Interviewees consistently told us that torture almost always accompanies interrogation, and that interrogation usually takes place within hours of arrest, which is frequently late at night and primarily aimed at uncovering the names of others who were involved in a demonstration or in the underground. The treatment, like everything else, seemed to vary widely depending upon the prisoner's attitude and that of the torturer(s). While most of those interviewed said that they were treated no better even if they gave names, one man stated that he was released quickly after he gave names and said that he admired communism.

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[64] Chinese Criminal Procedure Law, Art. 3.

[65] Ibid.

[66] Statement of Asia Watch, p.9.

[67] TIN, Int. #5, p.8.

Yoden Choedak (Dharamsala, 10/31/88) described her interrogation:

> Ten days after the March 5, 1988 demonstration, the police came to my work place and took me to the police station, where they produced a thick book that, I was told, contained all of my crimes. They never opened the book. At first I tried to tell the police that I had not done anything wrong. Then women police took me to a different room where they kicked me in the chest. They touched my mouth with an electric stick many times, which felt as though my mouth had been exploded, and I lost consciousness.
>
> Then I was taken to Drapchi prison where Chinese policemen tried to strip me again. I cried as my clothes were being ripped off, with the help of Chinese women police. Then I was beaten all over my body with the electric stick, many times on my breasts, mouth, and head. I lost consciousness from this many times. The male police were Chinese. The women police were Muslims from Pakistan or Kashmir who had been living in Lhasa for some time.
>
> I did not confess to committing any crimes, other than throwing rocks. Before being released from Drapchi, I was told not to say anything about what had happened to me in prison, and that if I ever participated in another demonstration, I would be treated much worse. Ever since, I have had difficulty remembering things and learning new words. I think this is from the electric sticks.

Yoden was treated relatively well, compared to Sonam Tsering, the 20 year-old monk from Sera Monastery who had participated in the October 1, 1987 demonstration (Dharamsala 11/25/88). Sonam told us that on October 3, 1987, the Chinese police and military personnel entered his monastery, beat the monks with cattle prods, AK 47s and clubs with nails in the ends, and took 15 monks to prison, including himself. Sonam was interrogated and tortured with cattle prods and harsh beatings approximately every other day for two months in Sangyip prison, then every third or fourth day for the next two months in Gutsa prison. When his captors came to tie his hands behind his back and take him from his cell for interrogation, they repeatedly asked about who the ringleaders of the demonstration were, and if the Dalai Lama organized the demonstrations. Sonam was never interrogated without being shocked with cattle prods. His torturers told him that he would be sentenced to ten years in prison -- or executed -- if he did not talk.

Interrogation almost always took place in designated rooms, usually in a building separate from the cell blocks. In Sangyip interrogation and torture took place in what one prisoner referred to as "the information area" and never in the cell. However, another prisoner testified that in Gutsa soldiers came during the night into the cells and "if you were not sleeping, they just hit us." After a month police replaced the soldiers. Tenzin Samphel (Dharamsala, 12/2/88) said that in Titchu prison in Shigatse, beatings occurred everywhere: in cells, in hallways, as well as in interrogation rooms.

The frequency of torture varied, perhaps because, as one victim suggested, the prisoners' captors became bored with the routine. Lobsang Dhondup (Dharamsala, 12/3/88) said he was interrogated approximately once every five or six days by two Chinese police officers via a Tibetan translator. They asked the same questions: who else was involved, who started it, how does the Dalai Lama organize these demonstrations, and so on. Sometimes Lobsang sat cross-legged on the floor, sometimes in a chair with his arms outstretched. In the beginning they beat him and shocked him with the cattle prods, but after a while they questioned him without beating him, or doing so half-heartedly. Another prisoner held for three months reported that he was not tortured after the first three days of his confinement.[68]

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Interrogation also commonly occurs during night raids in the Tibetan quarter of Lhasa. The occupants, including children, are subject to interrogation, intimidation, beatings and arrest. These house-to-house searches were taking place in the fall of 1987 and in March 1988, but they became widespread in March 1989, following the imposition of martial law.[69]

Under Chinese law, "the use of torture to coerce statements and the gathering of evidence by threat, enticement, deceit or other unlawful methods are strictly prohibited."[70]

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[68] From transcript of interview published in the Tibet Press Watch, Vol. 1, p. 41, published by the International Campaign for Tibet.

[69] See, for example, Andrew Higgins, "Chinese troops round up dozens of Tibetan rebels," The Independent, March 9, 1989.

[70] Chinese Criminal Procedure Law, Art. 32.

Beatings

According to our interviews, almost no one arrested in Lhasa during demonstrations escapes beating. The severity of the beatings is particularly disturbing -- prisoners are often first stripped naked and then beaten until they are unconscious.

Prisoners are routinely beaten with a variety of objects available to the guards: cattle prods, weapons, iron rods, truncheons, clubs with nails driven through the ends and the guards' fists and feet. Our interviewees said that almost every object in the interrogation room was used as an instrument of torture: telephones, trash cans, chairs and lamps. Prisoners are also kicked and often have their hands tied or shackled. While prisoners were often forced to beat each other during the Cultural Revolution, there were no reports of this happening now.[71]

When Nima Pasang (Delhi, 12/6/88) was arrested on March 8, 1988, and taken to Drapchi prison, he was initially put into a small room by himself. Even before the police began to question Nima, they beat him badly. He described how a Chinese policeman held his hair and beat his face into the concrete floor, which ripped open his mouth and broke several teeth. When interviewed seven months later, Nima had a jagged, four-inch scar on his cheek, consistent with his account.

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The former policeman, Thapkey Dorje (Bir, 11/1/88), confirmed that prisoners were nearly always beaten, and that he had himself tortured his own people. "It was very difficult being a Tibetan and a policeman," Thapkey said. "They put pressure on me in group meetings to do many things I did not want to do." Thapkey explained how he beat prisoners' heads against the wall, used a wooden plank to tie the wrists in unnatural positions behind the head and back, and also beat the prisoners against the motion of a joint to break an arm or dislocate the joint. "If a prisoner dies during the beatings," Thapkey said, "the police are not responsible because it is the prisoners' fault. The police have the upper hand and are free to beat prisoners to death."

We were often told that guards repeatedly struck tender spots such as the soles of feet, elbows, knees and abdomens and that prisoners were beaten standing, sitting or lying on the floor. Geshe Lobsang Wangchuk, a prisoner of conscience adopted by Amnesty International, reportedly lost the use of his hands after they were twisted during torture.[72] Another brutal incident occurred on June 12, 1988 when two Tibetans arrested in front of the Lhasa Dance and Performance Hall were allegedly blinded and their spines broken.[73]

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[71] Accord, TIN, Int. #5, p.7.

Torture may be avoided or lessened if the prisoner has the right connections, as we learned from Tenzin Samphel. Caught at the Nepalese border and then taken to Titchu prison in Shigatse, Tenzin was not tortured and was hardly even beaten. He attributed this leniency to outside connections who were pressuring the prison authorities, including the prison chief, not to mistreat him.

Electric Shock

The use of electric cattle prods against Tibetan detainees and prisoners is widespread. Asia Watch published the first substantive account of their use in a February 1988 report, Human Rights in Tibet.[74] Since then, substantive reports of their use have been frequent.[75]

The eight torture victims whom we interviewed had all been shocked repeatedly with electric prods. Sonam Tsering's case is typical. Sonam described the room where he was interrogated and tortured almost every day as an ordinary office outside of the inner compound -- a desk, two chairs and a telephone. The same three Tibetans always interrogated him, and electric shock with one long and one short cattle prod always accompanied the interrogation. Every once and a while a Chinese officer came into the room to supervise.

One of the most disturbing allegations is that of electric cattle prods having been forced into the vaginas of female prisoners, including Buddhist nuns. We received a report that a nun was tied to an electrified metal table, that electric cords were tied around her breasts,[76] and that a cattle prod was jabbed into her vagina so many times that she became badly infected. Tinley Chophel, 25, (Dharamsala, 11/4) said that another monk told him that an electrically charged belt was wrapped around his waist and then pulled tighter and tighter. Many prisoners also reported that electric batons were put into their mouths.[77]

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[72] See Asia Watch, Human Rights in Tibet, p. 35.

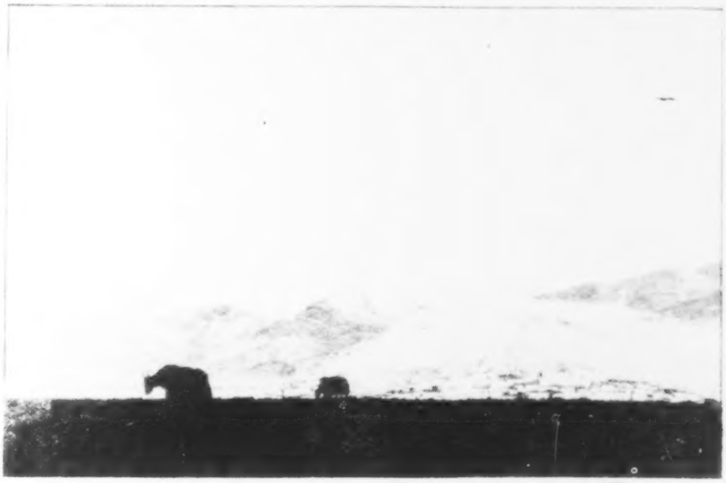
[73] See United Nations, Report by the Special Rapporteur, Mr. P. Kooijmans, p.7.

[74] See also Asia Watch, "Evading Scrutiny: Violations of Human Rights After the Closing of Tibet," Washington, D.C., 1988, p.25.

[75] U.S. Department of State says that the use of electric prods was "common among those detained following protests in Tibet." See Country Reports on Human Rights Practices for 1988, p.765.

[76] Although we heard reports of "electric beds" and wrapping prisoners with electric cords or belts, we were unable to independently confirm them, other than one third hand report of a prisoner tied to a metal wall through which electricity was sent.

Several interviewees told us that the Chinese police used two different kinds of cattle prods: one model, approximately three feet long by one and a half inches in diameter, is longer and thinner than a newer model which is approximately one and a half feet long and two and a half inches in diameter. The Public Security Bureau reportedly first received electric cattle prods in 1980.[78]



Tingri, a trading village on the Tibetan plateau. (Photo: Galen Rowell)

Hanging by Extremities

Victims and others gave many accounts of prisoners being hanged by the thumbs, ankles, or wrists, with arms tied behind backs -- a position known as the "flying airplane." The prisoners are hung from roof beams, cell bars or trees with the toes barely touching the ground or not touching at all. We are not aware of any accounts of prisoners being hanged by their necks or in a manner causing immediate death.

While Lobsang Dhondup was in Gutsa prison during March 1988, one of his cell mates, Phurbu Tsering, 27, a house painter in Lhasa, was accused of participating in burning a Chinese restaurant on March 6. Phurbu's wife had a shop right next to the restaurant. Phurbu had initially been arrested on March 6 or 7, badly beaten for one day in a police station, then released. After being rearrested on March 8 or 9 and sent to Gutsa, Phurbu was stripped naked and hanged from the ceiling for an entire night. Lobsang learned about this incident later when he saw Phurbu after he had been brought to Utitod prison. Jampey Losel, (Kathmandu, 11/20/88), a 23 year-old monk from a small temple in Lhasa was also hanged upside down by his legs.

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[77] See AI, "Torture and Ill-Treatment," p.3.

[78] Ennals and Hyde-Chambers, "Tibet in China," p.36. One prisoner stated that the PSB formerly did not use the electric baton. See also AI, "Torture and Ill-Treatment", p. 3.

The hanging of prisoners by extremities, with certain variations, appears to be common in Gutsa prison. Sonam Tsering said that his captors burned hot chilies under his head while he hung from his ankles. Another monk who had been imprisoned in Gutsa told a Washington Post reporter: "I saw people hanging from ropes tied to their arms behind their backs, suspended with their feet off the ground. Two of the people I saw had their shoulders dislocated by the rope. Many became unconscious as a result."[79]

Another prisoner stated that in March of 1988 he was in Gutsa and saw "hundreds" of people hanging by their wrists "sometimes for a few hours, sometimes for three days and three nights. Some were kept like this for 14 days and 14 nights. Some were left tied to a [lamp] pole. I have seen this."[80]

Other reports of hanging prisoners by extremities come from Drapchi. One prisoner released from Drapchi reported that, "four to five people were hanged in mid-air for a day and a night without any clothes. Some were kept like this until they confessed. They were mostly lay people. Not many monks received such punishment."[81]

Cold Water

When Sonam Tsering was moved to Gutsa in the winter of 1988, his captors tied him to a wall, stripped him naked and poured ice water over him. Sonam saw them do this to many of the prisoners that winter. (Temperatures at night and in the shade in Tibet's high altitude can easily drop below freezing, especially in the winter.) Other prisoners have testified to being doused with ice water or held in tubs of cold water and that this practice exists in both Gutsa and Drapchi prisons in winter months.[82]

Although none of our interviewees said that they had been submerged in an ice bath, several Tibetans stated that they knew of others who had experienced such treatment. Submerging prisoners in tubs of cold water, however, has been reported elsewhere as a method of reviving unconscious prisoners.[83]

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[79] Daniel Southerland, "Tibetan Tells of Torture," Washington Post, Sept. 6, 1988. See also AI, "Torture and Ill-Treatment" pp. 5-6 and United Nations, Report of the Special Rapporteur, Mr. P. Kooijman, p.7.

[80] TIN, Int. #4, p.9.

[81] TIN, Int. #8, p.9.

[82] A prisoner reported to Asia watch that "In winter one is forced to kneel on ice...the pants are rolled up, one is bound tightly and one's [bare] knees are on the ice for an hour." Asia Watch, Human Rights in Tibet, p. 31.

Injections

Jigme Norbu, a 34 year-old Tibetan physician (Dharamsala, 10/18/88) who worked in the Mendzekhang, Lhasa's only hospital of Tibetan medicine, described two types of injections used in prisons. One injection makes the prisoner talk freely. Another injection "makes the prisoner go insane, if it did not kill him." The first injection fits the description of what is commonly called "truth serum," or sodium pentothal. One can only guess at the contents of the second type of injection. However, Dr. Norbu had not actually witnessed prisoners receiving injections.

Tinley Chophel, imprisoned for three months in 1988, saw several prisoners who in his words, "became mentally retarded" as a result of prolonged torture or injection. The basis upon which he thought that an injection may have been administered is unclear; nevertheless second and third hand reports of debilitating injections given in prison are common enough to take seriously. Indeed, two monks treated by Dr. Kerr after the October 1, 1987 demonstration told him that more than torture they feared injections reportedly given in prison.

Many Tibetans believe that Lobsang Wangchuk, adopted as a prisoner of conscience by Amnesty International, was given an injection the day before his release from Sangyip prison. He died the day after his release at the Mendzekhang.[84]

According to another report, a 22 year-old monk in Sangyip prison was given frequent injections of an unknown substance that caused him to become partially paralyzed. The source of the report states that "The paralysis is so severe that he cannot feed himself. When he arrived [at the Tibetan Medical Institute], he could only walk stooped over at a ninety degree angle to the floor."[85]

Trained Guard Dogs

We received testimony of the use of dogs on prisoners in Gutsa and Sangyip prisons, and two accounts of trained dogs used to attack female prisoners (see following section). The incidents in Gutsa have been confirmed by other published reports, including one from Amnesty International.[86] We could not independently confirm the use of attack dogs in Sangyip but believe that the testimony we received is credible, in part because it is so similar to the accounts from Gutsa.

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[83] See AI, "Torture and Ill-Treatment," supra, note 39, p.7 and also, interview transcript published in the Tibet Press Watch, Vol. 1, p. 41, International Campaign for Tibet. We are not aware of any allegations that physicians were involved in reviving unconscious prisoners by this method.

[84] "Lobsang Wangchuk," Tibetan Bulletin, Vol.18, No.4 (Nov.-Dec., 1987), p.29.

[85] From interview of a Tibetan who requested anonymity, published in the Tibet Press Watch, Vol. 1, p. 43, International Campaign for Tibet. See also AI, "Torture and Ill-Treatment" supra, note 39, p.9.

Tenzin Tsering, 22, (Dharamsala, 10/19/88) a monk from Sera Monastery, had a friend named Lobsang who was 26 years old when he was arrested for participating in the March 5, 1988 demonstration. Said Tenzin, "Lobsang was taken the same day to Sangyip prison. After stripping Lobsang, the police tied Lobsang to a stake, hung motor tires around his neck, then let trained guard dogs attack. Lobsang said the Chinese name for the dog is 'Owlie'. They are large, slim dogs, with pointed ears. The dogs tore hunks of flesh from Lobsang's calves and thighs."

The Tibetan policeman, Thapkey Dorje, also confirmed that the Public Security Bureau had dogs trained in China. During the mid-1980s, Thakpey said "we used the dogs to bark at the prisoners, who often told us many things at this time. The dogs are also trained to bite the prisoners on the command [in Chinese] of the master." Another prisoner also said that the dogs were given and understood orders in Chinese.[87]

Nuns in Prison

Reports and allegations of sexual abuse and harassment in Lhasa area prisons filter across the Himalayas. Yoden Choedak (Dharamsala, 10/31/88), told us what a friend, a nun named Ngawang, had told her about her experience in prison.

> Ngawang was released in late July. The first time I visited Ngawang in late March she looked very healthy. When Ngawang came out, she had lost a lot of weight and had difficulty walking. She could hardly walk from the damage to her right hip. She had received daily beatings and torture while stripped naked over a four month period. They [police] forced women to run for hours while police beat them with cattle prods. Ngawang was tied with an electric cord, beaten with cattle prods, and had dogs attack her many times. For her, the worst problem was the electric cords tied around her breasts. When the electricity was applied, it made her feel like she was going to die.
>
> I saw Ngawang after she was released. The dogs must have had very sharp teeth because there was one place in her right thigh that had a large hunk of flesh missing. Ngawang told me that she decided to be beaten, instead of running and having the dogs eat her, even if they beat her to death.

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[86] See also AI, "Torture and Ill-treatment," pp.4, 8.

[87] TIN, Int. #7, p.1.

The following is perhaps the most well known account of the abuse of a Tibetan nun in prison:

> Upon arrival at Gutsa prison, the nun was stripped of all clothing and placed in a room with two trained dogs and two policemen. The dogs were trained to attack whenever she moved. The policemen proceeded to hit her with rods until she tried to move away, at which time dogs would attack, biting and lacerating her arms and legs. During this torture, they continually asked her about her involvement in the demonstrations as well as the involvement of others.
>
> After saying nothing, being beaten, and being attacked by dogs, they placed her in a cell at Gutsa where she remained for approximately three months.... While in prison, she spoke to another nun who was stripped of all clothing and prodded with an electric rod in the vagina and in the mouth.[88]

Four of our interviewees believed nuns were treated more harshly than other prisoners, male or female. Nima Pasang (Delhi, 12/6/88), a 22 year-old from Kham, saw guards come into his cell in Drapchi and start questioning and beating a nun, who was temporarily sharing the cell. When the guards applied the electric prod, she started spitting and yelling "Long live the Dalai Lama!" Then they put the electric prod in her mouth. Afterwards, her mouth was full of blood and they continued to beat her on the pelvis.

In a case reported by Amnesty International, two nuns in Gutsa prison had rubber balls and electric batons forced into their vaginas.[89] In another case, the electric baton was put into a nun's vagina, then into her mouth. Although we heard second and third hand reports of rape by prison guards, and found one such report in the press, we are not aware of any substantive, unimpeachable reports of rape.[90]

Nuns imprisoned for actual or suspected participation in a demonstration or other unauthorized political activity may be as young as 14.

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[88] From interview transcript published in the Tibet Press Watch, Vol. 1, p. 43, International Campaign for Tibet. The interview took place in Lhasa in July, 1988. The case of this nun is also reported by AI, "Torture and Ill-Treatment," p.8.

[89] Amnesty International, Statement for Hearings on Human Rights in Asia, Subcommittee on Foreign Operations, Committee of Appropriations, House of Representatives, 101st Congress, 1st Session, Washington, DC, February 8, 1989, p.20.

[90] See John Gittings, "Tibetan Nuns Defy Might of China," The Guardian, Nov. 8, 1989. Amnesty International has not received reports of rape as of February 1989, see "Torture and Ill-Treatment in Tibet", p.3.

Other Forms of Torture

We found set patterns of torture to exist in Tibetan prisons, but there are also a variety of forms of mistreatment and techniques of torture that do not fit into any discernable pattern. Also, some traditional practices are notably absent, such as "thamzing," or struggle sessions which were so common during the Cultural Revolution.[91]

The 20 year-old Sera monk Sonam Tsering told us that he was forced to eat human excrement in Gutsa. He said it was a joke his captors played on the inmates. Sonam refused to eat it, but they forced him. Once Sonam was brought to a big room full of Chinese and Tibetan prison employees. He was given a plate of food mixed with human excrement and forced to eat it in front of everybody. This practice was corroborated by another prisoner, interviewed inside Tibet, who was also in Gutsa prison between March and July of 1988. A nun also reported that guards gave her food mixed with yak dung and served in a urine container.[92]

When Nepalese border guards caught Tenzin Samphel they turned him over to the Chinese authorities "in exchange for a carton of cigarettes." His hands and feet were shackled and he was taken to a police station. Later he was tied to two horses and dragged behind them for one and a half hours to a town where the inhabitants and some Nepalese traders gathered to watch the spectacle.

Prisoners have also asserted that guards first placed cattle prods and then chili powder into their mouths, causing edema of the tongue and purulent infections."[93]

Prisoners, including Sonam Tsering, also reported that they were made to stand for long periods of time, for hours or all night, and sometimes outside. Guards put truck tires around their necks and force them to stand until they collapsed. A special rapporteur from the U.N. noted an extreme case of this torture in which prisoners "were allegedly kept standing for 14 days whilst being interrogated."[94]

At least two reports exist of prisoners being forced to inhale the smoke of burning rubbish.[95] Prisoners have also been forced to lie in gutters full of running refuse while being beaten. Being burned with lit cigarettes has also been reported, as has the practice of pointing pistols at prisoners' heads under threat of death.[96]

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[91] Statement of Asia Watch, p.10. See also Avedon, In Exile From the Land of Snows, Chapter 9.

[92] "Some used sticks ... some beat us with rifles," Guardian, Nov. 8, 1989.

[93] TIN, Int. #2, p.2. AI, Statement before Subcommittee on Foreign Operations, p. 20.

[94] United Nations, Report of the Special Rapporteur, Mr. P. Kooijmans, p.7.

[95] See TIN, Int. #8, p.9.

Deaths from Torture

Several of the ex-prisoners we interviewed said that they were aware of prisoners dying in prison. Amnesty International has also reported several cases of prisoners dying as a result of torture, including that of Tenzin Sherap, who is believed to have been tortured to death in prison in mid-March 1988. Pictures of his face when his family came to collect him at the morgue further substantiated this claim.[97] Another ex-prisoner interviewed in Lhasa said that two died in prison on or about March 5 [1988] from severe beatings.[98]

Another U.N. rapporteur, Mr. S. Amos Wako, reported that "during 1987, in Drapchi prison, a number of persons were executed without trial after having been tortured."[99] He further reported:

> On 10 May 1988, a Khampa [a person from Kham, in eastern Tibet] from Kanze died in a Lhasa hospital as a result of severe beatings in Gutsa prison. On 12 June 1988, in Lhasa, Tsangpo, aged 35, died as a result of severe beatings after he had been arrested, together with two other men, by the Lhasa Tengton Chue branch security police.[100]

One of the most well known cases of death from torture is that of Geshe Lobsang Wangchuk, who died on November 4, 1987 apparently as a result of prolonged mistreatment and torture during 18 years in prison.[101]

It is not known how many of the deaths resulting from torture are intentional, although many reports of secret executions now exist.[102] According to sources of the

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[96] AI, Statement before Subcommittee on Foreign Operations, pp.21-22. See also "Some used electric sticks ... some beat us with rifles," The Guardian, Nov. 8, 1989.

[97] AI, "Torture and Ill-treatment", p.2.

[98] TIN, Int. #8, p.11.

[99] United Nations, "Report by the Special Rapporteur, Mr. S. Amos Wako, pursuant to Economic and Social Council resolution 1988/38." p.12.

[100] Ibid, p.13. See also, United Nations, Report by the Special Rapporteur, Mr. P. Kooijmans, p.7.

[101] See Tibetan Bulletin, Vol.XVIII, No.4, p.29, Nov.-Dec. 1987. According to one official Chinese source, Geshe Lobsang Wangchuk had received due medical treatment and died of liver cancer. See also, supra, note 20, p.7.

[102] On January 19, 1989, China announced the sentencing of 27 Tibetans, one of whom was sentenced to death. See AI, Urgent Action on Yulo Dawa Tsering, Lobsang Tenzin and Sonam Wangdu, Jan. 27, 1989.

Bureau of the Dalai Lama in Delhi, important political prisoners have been secretly killed without trial since the imposition of martial law in March 1989.

Before he left Lhasa in 1986, ex-policeman Thapkey Dorje (Bir, 11/1/88), accompanied prisoners while they were being paraded through town and to the execution site. He outlined the following scenario, the accuracy or applicability of which we have been unable to confirm:

> Prisoners to be executed get barley beer and good food, not much, the day before the execution. Then they are taken to a special house where they are tied. The next morning, the prisoner is given an injection to become senseless. The injection is similar to the one given before an operation to knock the person out, but only a little. Prisoners are then put in a police truck with a motorcade of at least 20 police vehicles. Five police with guns are in the truck with the prisoner, who is fully tied with his hands behind his back to a plank, while announcements are made to the general population with loudspeakers. Then the prisoner is taken near Phenpo, where a grave is dug. A military jeep comes from a different direction with a person who specializes in executing prisoners. He wears glasses; his face is wrapped so people can't see his face. He shoots the prisoner in the back of the head. If the prisoner does not die, he cuts the nerves in the spine. When they are sure the prisoner is dead, the relatives are told they can come and get the body and give it to the vultures. The prisoner is buried if no one comes for the body.

Several interviewees complained of lingering effects of torture during the weeks and months following their release. However, they added, some prisoners were intentionally not released from prison until their wounds healed, so there would be no proof of mistreatment.

MEDICAL CONSEQUENCES OF TORTURE

Although we did not conduct physical examinations or laboratory tests, we could observe physical signs of torture in two of our interviewees. One monk had approximately 15 healed scars around the crown of his head which, he stated, were from Chinese police beating him with cattle prods and clubs with nails driven through the ends.[103] Another had a laceration on his lip that had healed in a jagged scar.

Several interviewees complained of lingering effects of torture during the weeks and months following their release. They told us that many released prisoners had to recover from lacerations, deep bruises and loss of sensation in certain areas of the body as a result of being tied or manacled. However, they added, some prisoners were intentionally not released from prison until their wounds healed, so there would be no proof of mistreatment.

Sonam Tsering (Dharamsala, 11/25/88) told us about Gutsa prison in the winter of 1988 when some of the prisoners sustained "damage to their kidneys," "brain damage," and "broken bones." We were also told that a monk known as Dawa from Rato Monastery went "crazy" under torture. Nevertheless, we were unable to evaluate these claims medically. That major long term damage results from torture is evident; Dawa was noted to babble incoherently as a result of torture and had to be helped by other prisoners to eat and use the toilet. Another monk named Kelsang Dhongod from Jokhang Temple was so badly beaten by the police that he could still only perform menial light tasks, such as rolling up scriptures, six months after his release.

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[103] Kelsang Wangyal (Dharamsala, 12/1/88) the 22 year-old monk from the Jokhang Temple, showed us 15 cm X 3 cm healed scars on the crown of his head. This is his account of what happened when Chinese police stormed the temple on March 5, 1988: "It took one hour for the police to get everyone out. The police used tear gas, they beat the monks with clubs with nails driven through the ends, AK 47s, cattle prods. They beat everyone all over their bodies: on the head, arms, backs, and legs. Many of the monks were bleeding. Nine people that I saw died in the first hour. I do not know how many people died in prison afterward. Sixty-four people were taken from inside the Jokhang to prison. A Chinese policeman was killed. He was hit by stones while taking photos on the roof of the Jokhang. Then he was thrown off the roof. He died in the ambulance on the way to the hospital. I was bleeding badly from wounds to the head, and from the mouth, because of too many beatings to my chest. I also had bruises all over my body, on all limbs."

More disturbing reports of the consequences of torture include broken bones, untreated infections, deafness, impairment of memory and speech, and the inability to recognize friends. Tortured prisoners were also seen to have persistent blood coming from the ears and mouth and in their urine, bruises over their entire body, and severe weight loss. One friend taking care of a released prisoner also noted wounds where dogs had bitten the victim's legs.

In the winter of 1988 an American physician named Christopher Beyrer treated recent refugees from Tibet in northern India. After seeing approximately 50 people a day for 12 days, Dr. Beyrer reported that: "I believe my clinical judgement to be sound when I assert that these people have been victims of systematic physical torture."[104] Of a 50 year-old Tibetan woman he wrote:

> I examined both ankles and found them to be deeply bruised and swollen. The patient also had a loss of sensation over both feet. There was no evidence of fracture. I inquired about possible injury and at that point in the examination the patient became tearful and explained that she had been manacled about the ankles for 18 days in an unheated cell and beaten about both legs, feet, back, shoulders, arms, and hands at intervals throughout her internment. As her feet began to swell the metal manacles became so tight she'd lost all feeling in both feet. This was slowly resolving since her release. The emotional and psychological effects of her torture were still very much with her.[105]

Dr. Beyrer also examined and found that this woman had a cardiac arrythmia and a heart murmur.

> She had been interrogated for three consecutive days with an electric prod, which she described as flinging her across her cell each time she was struck with it. This treatment ended when she eventually lost consciousness. She had been having cardiac symptoms ever since.[106]

We encountered several documented consequences of torture in the literature.

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[104] Christopher C. Beyrer, M.D., New York State Journal of Medicine, June 1988.

[105] Ibid.

[106] Ibid.

For example, guards reportedly stomped on the head of Tsering Nyima, a prisoner in Drapchi, and he is now almost deaf.[107] According to one report, a Tibetan tortured three months before still had infected hands and fingers "from being broken and split open the first few days of his arrest."[108] Another ex-prisoner complained of severe backaches and painful ribs when he bent, as a result of the beatings.[109]

Even without the benefit of on-site investigation, it is clear from the information gathered by ourselves, Dr. Beyrer and others that victims of torture in Tibet are likely to be left with long term physical problems.

Psychological Implications of Torture

Torture has profound psychological implications for victims and their families. During our interviews, victims told us that since their torture they continued to have serious problems with depression, paranoia, headaches, and visual disturbances consistent with post traumatic stress syndrome. Having experienced severe stress beyond normal human capacity, torture victims can be expected to confront a range of adverse symptoms, including nightmares and insomnia.

Jampey Losel (Kathmandu, 11/20/88), the 23 year-old monk who told us that he quickly became "mentally sick" from torture, said he spent 15 days in the Tibetan hospital upon his release to recuperate. When we talked to him in a hiding place in Kathmandu he was still mentally unstable, though coherent and willing to relate what he could. Tinley Chophel, a 25 year-old man from Lhasa (Dharamsala, 11/4/88), reported that he knew several monks who "became mentally retarded" either from prolonged torture or an injection.

The most insidious consequence of torture may come from injections given to some prisoners before their release. These injections are said to render the prisoner unable to speak normally, to pronounce words or be understood, or to answer questions or recognize friends. From our interviews alone it is impossible to distinguish the adverse affects of an injection from those of torture or electric shock. We are aware of one reported case of a torture victim becoming extremely depressed after his release and committing suicide.

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[107] The Washington Post also reported on a prisoner going deaf from torture. Daniel Southerland, "Tibetan Tells of Torture," Sept. 6, 1988.

[108] From interview transcript published in the Tibet Press Watch, Vol. 1, p. 41, the International Campaign for Tibet.

[109] TIN, Int. #8, p.11.

Blake Kerr, M.D. with patient after October demonstration. (Photo: Asupi)

DENIAL, DELAY AND DISRUPTION OF MEDICAL CARE

Outside of Prison

In the fall of 1987 the authors found that some Tibetans wounded in demonstrations feared arrest if they went to the hospital, and that Lhasa's People's Hospital, on occasion, refused to treat Tibetans injured during demonstrations. One Tibetan man who had been shot in the calf was taken to the People's Hospital where a Chinese surgeon removed the bullet. As soon as the sutures were in place, the man ran away and told Dr. Kerr later that if he had not fled, he believed the police would have taken him to prison. Both of these allegations have since been confirmed.[110] Following the December 10, 1988, demonstration, Amnesty International reported that "accurate casualty figures were hard to establish because many Tibetans refused to be admitted to the hospital, fearing arrest."[111]

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[110] John Pomfet, "China Declares Martial Law in Tibet," Associated Press, March 7, 1989. See also interview transcript published in the Tibet Press Watch, Vol. 1, p. 43

[111] Amnesty Action, January/February, 1989, p.4.

In March 1989 the Associated Press quoted a tourist as saying that during rioting, Lhasa's "hospitals were only treating Chinese, leaving injured Tibetans to fend for themselves."[112]

There are conflicting reports about the treatment of Tibetans injured during demonstrations. It is evident that many Tibetans have been treated for injuries following demonstrations, but the quality and timeliness of such care remains controversial. In addition, questions have been raised about collusion between hospital employees, including physicians, and the police. Further research is needed to determine the extent of access to patients' records and the role of physicians in granting that access. One man said that those who were badly injured were indeed taken to the hospital,[113] but some Tibetans who were admitted to the People's Hospital were later

Tibetan boy shot in the abdomen by security forces during pro-independence demonstrations. Lhasa, October 1, 1987. (Photo: John Ackerly)

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[112] John Pomfet, "China Declares Martial Law in Tibet".

[113] TIN, Int. #5, p.7. The South China Morning Post (Hong Kong) published a picture on March 8, 1989 showing three medics in white tunics carrying an injured or dead person, allegedly from the scene of a demonstration. Neither the caption nor the article states whether the person being carried is Tibetan or Chinese and it is not apparent from the photo. Nor is it known whether the medics are Tibetan or Chinese or whether the person is being taken to the People's Hospital or the Tibetan Medical Institute.

found to have been transferred to prisons. At least four other Tibetans are known to have remained at the People's Hospital because they reportedly died there.

In Prison

We received only one second hand account of a prisoner being taken to the hospital after two months of regular interrogation and torture sessions, allegedly because prison authorities were afraid she would die from a vaginal infection after being repeatedly violated with the cattle prod. A recent article reported that another woman was tortured so badly she had to be sent to the hospital to receive "treatment which, if successful, will allow the woman to return to prison."[114]

We were unable to interview any prison physicians and have no substantial evidence that physicians are actually taking part in torture... [Yet] it is evident that physicians in Tibet's prisons are not providing medical attention to the extent warranted by internationally recognized standards.

Several interviewees said that prison physicians provided health care only when the prisoner's life was in danger. One 25-year-old nun said, "When I became unconscious [from torture], they poured cold water over me. A doctor came and asked [if] I were sick. When I said I didn't fell well, they beat me again. Some medication was given."[115] The Tibet Information Network received a report that in Drapchi, "There was no proper medical treatment. They just gave a tablet for any kind of complaint. Severe cuts and wounds only were taken care of by a doctor."[116]

We were unable to interview any prison physicians and have no substantial evidence that physicians are actually taking part in torture. However, the revival of critically injured prisoners is viewed by some prisoners as a means of keeping them alive so that they may be interrogated and tortured further. Nima Pasang (Delhi, 12/6/88), who had his face repeatedly slammed against a concrete floor in Drapchi, stated that he was given no medical attention even though he was still bleeding profusely from his mouth and his upper left lip was almost torn off. From this and other testimony it is evident that physicians in Tibet's prisons are not providing medical attention to the extent warranted by internationally recognized standards.[117]

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[114] John Gittings, "Tibetan nuns defy might of China," Guardian, Nov. 8, 1989.

[115] TIN, Int. #7. p.3.

[116] TIN, Int. #8, p.11,

[117] See Amnesty International, Ethical Codes and Declarations Relevant to the Health Professions, 2d Edition (London, 1985).

In Gutsa one inmate reported that there was a Chinese doctor in the prison but prisoners were only given treatment if they were dying.[118] However, another prisoner stated that he was treated by one of two Chinese doctors in Gutsa. He received a bad cut in the head and stated that it was really not well treated. He said that prisoners are only taken to see a doctor if they are bleeding badly."[119] Amnesty International reported from their sources that "medical care was minimal and only those critically ill could see a doctor or go to a hospital."[120]

The United Nations Special Rapporteur wrote that a prisoner who had been taken to a Lhasa hospital on May 10, 1988, died as a result of severe beatings in Gutsa prison.[121] Still, even these interviews and the rest of the literature cannot confirm whether Chinese or Tibetan physicians are present for, or participate in, the interrogation and torture of prisoners.

Violations of Medical Sanctuary

Following the March 5, 1988 demonstration, many Tibetans were taken from local hospitals to local prisons. In one documented case, three monks, Tagu, 36 (Jokhang), Lobsang Phuntsok, 41 (Ganden), and Kelsang, 22 (Jokhang) were taken from the Norbulingka TB hospital by March 12.[122] Gyaltsen Tharchin Jampa Tenzin, the monk who was badly burned and whose picture appeared in Time and the New York Times Magazine, was also reported to have been arrested in the hospital.[123]

Kelsang Wangyal (Dharamsala, 12/1/88) a 22 year-old Jokhang monk, said he was caught and beaten with an iron rod on March 5. He fell to the ground and covered his face while he was being kicked. He lost consciousness, and when he woke up he saw 12 bodies, all badly beaten, bloody and seemingly dead, but he could not be sure. He could not move.

After a while several jeeps came with Tibetan doctors from the Tibetan (Mendzakhang) hospital. They picked him up and put him in the back of the jeep. As they were leaving the square, Chinese police stopped the vehicle and assaulted the Tibetans, including the doctors. Some of the doctors were injured and bleeding themselves while they tended to the injured monks.

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[118] TIN, Int. #3, p.3.

[119] TIN, Int. #5, p.6.

[120] AI, "Torture and Ill-Treatment," p.4.

[121] United Nations "Report by the Special Rapporteur, Mr. S. Amos Wako, pursuant to Economic and Social Council Resolution 1988/38," p.13.

[122] These three monks are on the prisoner list published by Asia Watch in "Evading Scrutiny" (#249, 250 and 251).

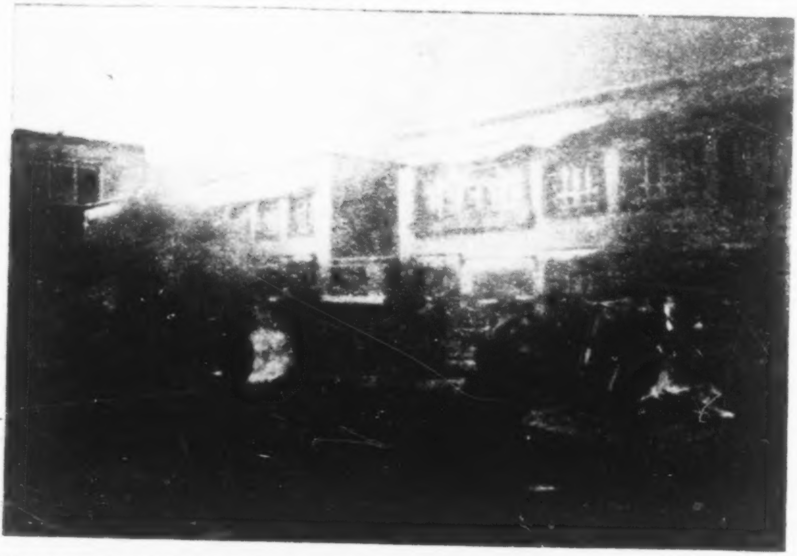
[123] See John Ackerly, "Fire in Tibet", New York Times Magazine, Nov. 11, 1987.

Burned monk waives a Khata, a traditional white Tibetan scarf, during a demonstration against Chinese rule of Tibet on October 1, 1987. (Photo: John Ackerly)

Kelsang spent two months in the Tibetan hospital recuperating from a concussion and bruises covering his entire body. While he was there Chinese police came to the hospital several times to photograph and interrogate the patients. The police told him that someone else said that he was seen hitting a police man and if he did not confess he would be taken to prison. Kelsang said he thought they were bluffing and denied the charge. After some time the police left.

Kelsang also told us that one night the Tibetan hospital staff prevented the police from taking one patient to prison, and that after this incident some of the patients snuck out of the hospital long before they would have been discharged, including several who could barely walk. One, a 23 year-old Sear monk named Sopa, was arrested and taken from the Mendzakhang on April 5, 1988. He was freed in June of 1988 with other prisoners in a widely publicized release.

Kelsang also told us of a man named Thubten Namdrok who was arrested in front of the Tibetan hospital on October 1, 1987. Kelsang did not know whether the man was trying to enter the hospital for treatment. He was released in February 1988, then arrested again on March 5, 1988 and is reportedly still in prison. Kelsang decided that since he himself had been involved in two demonstrations and had argued with the Chinese at several re-education sessions, he was likely to be harassed and arrested again. He decided that rather than live under such conditions, he should join a monastery in exile. Kelsang snuck through the mountains to Nepal and made his way to Dharamsala.



Chinese security vehicles set on fire by Tibetans after police attacked peacefully demonstrating monks. Lhasa, October 1, 1987. (Photo: John Ackerly)

THE CHINESE RESPONSE

We cannot in this report present a thorough discussion of the Chinese position on human rights. However, a few comments will highlight the animosity of the Chinese officials toward Western concern and the seeming lack of any productive dialogue. China has vehemently and consistently regarded concern for human rights in Tibet as "interference in China's internal affairs."

In a rare response to a request from Asia Watch to allow a fact finding mission in Tibet, Wu Zurong, the First Secretary of the Chinese Embassy in Washington, D.C., replied in December 1988: "...we are unable to make accommodation for those visitors who wish to visit China for investigating the human rights situation in Tibet, for problems in Tibet are the internal affairs of China which brook no foreign interference."

Moreover, China claims that Tibetan and Western concern for human rights is really just a "pretense to separate the motherland" and "restore the reactionary feudal serf system" in Tibet.[124]

Official statements from China about its perspective on human rights stresses that priority should be given to gross violations resulting from racism, colonialism and occupation, and to collective human rights, such as self-determination.[125] Ironically, these are exactly the conditions that many believe exist in Tibet.

The flip side to giving priority to collective human rights is that individual human rights, particularly of those regarded by China to be "criminals," are diminished. Mr. Han Xu, former Ambassador to the United States said in letters to members of Congress, that it is "untenable" to allege that Tibetans arrested for demonstrating could have their human rights violated since they themselves had violated "state law and other citizens' human rights." In a more recent official paper defining socialist human rights, Jiang Bin explains that when a person "threatens social security, his own safety will not be guaranteed by law."[126]

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[124] See, for example, Xinhua, "NPC Foreign Affairs Committee's Statement on U.S. Senate's So-called Resolution," March 19, 1989.

[125] Ma Jun, "Human Rights: China's Perspective" Beijing Review, Nov. 28-Dec. 4, 1988, p.22.

Chinese authorities have yet to admit publicly that any torture is going on in Tibet. Mao Rubai, Vice Chairman of the government of the Tibet Autonomous Region, denied the use of cattle prods and hanging of prisoners while on a visit to Washington in August 1988.[127] Similarly, in response to the United Nations Special Rapporteur on Torture, the Chinese transmitted a letter stating that "no cases of torture and ill-treatment had been found."[128] The Chinese delegate to the U.N. Commission on Human Rights, Zhang Honghong, called the allegations cited by the Special Rapporteur "incredibly absurd" and "shear [sic] fabrication."[129]

Nonetheless, in a possibly tacit admission of the existence of mistreatment and torture, an official newspaper called the Tibet Daily published "seven prohibitions" issued by the Lhasa Municipal Justice Committee on May 20, 1988. The prohibitions stated that security officials should not "beat or curse the masses, abuse police equipment," or "use torture to extract confessions."

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[126] Jiang Bin, "What Are Socialist Human Rights?" Jiefangjun Bao (Beijing), Aug. 11, 1989, printed in FIBIS, CHI-89-166 (August 29, 1989), p. 23.

[127] Washington Post, Aug. 26, 1988.

[128] United Nations, Report by the Special Rapporteur, Mr. P. Kooijmans, p.7.

[129] "Allegations of Torture Rejected," China Daily, Feb. 24, 1989.

CONCLUSION

There can be no doubt that the use of arrest, imprisonment and torture of large numbers of Tibetans continues to be a integral part of China's effort to suppress Tibetan nationalism.

The June massacre of students in Beijing has opened the eyes of the world to the current repressive regime of the People's Republic of China and may help increase and awareness of the atrocities being committed against the Tibetan people and the propaganda campaign to disguise these atrocities. However, in the short term, the ascendancy of hard liners in Beijing portends continued and increasing use of force against Tibetan advocates of human rights, democracy and independence.

Similarly, the hard liners may also use the decision to award the Dalai Lama the 1989 Nobel Peace Prize to further repress the Tibetan people. In announcing the prize, the Nobel Committee emphasized "the struggle for the liberation of Tibet," an emphasis which brought vehement criticism from Beijing. The Dalai Lama's acceptance should raise world awareness of human rights abuses in Tibet and cause governments to address the Tibetan issue more directly than they have over the past 40 years. We hope that this concern and attention will lead to the improvement of prison conditions, cessation of the use of torture, and the release of political prisoners.

Accurate information is essential to the promotion of human rights. Although we believe this report to represent the most accurate, detailed and comprehensive documentation of torture in Tibet to date, human rights documentation in Tibet remains scanty. China's continued denial of human rights abuses in Tibet and its refusal to allow fact finding missions illustrate the tremendous task that lies ahead. However, significant work can be done now in the Tibetan exile communities in India and also in Nepal. For example, Western and Tibetan physicians have yet to make a concerted effort to document and treat the long term physical and psychological effects of torture suffered by refugees.

The treatment of political prisoners in Tibet is incompatible with international standards of human conduct and decency, and at odds with China's ratification of the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading treatment or Punishment in October of 1988. We are gravely concerned that the assault on human rights in Tibet today threatens the very existence of a Tibetan identity. Thus, we urge the international community to use all available means to encourage China to respect the human rights of the Tibetan people.

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APPENDIX

MARCH 1989 MARTIAL LAW DECREES IN TIBET

Order No. 1 of the People's Government of the Tibet Autonomous Region
(March 7, 1989)

In accordance with the martial law issued by the State Council, the People's Government of the Tibet Autonomous Region has issued the following orders:

1. Start from zero hour of March 8, 1989, a martial law will be enforced in Lhasa city proper and in the area west of Lhamo township, Dazi county and east of Dongga Township, Duilong Deqing County.
2. During the time of the enforcement of the martial law, assemblies, demonstrations, strikes by workers, students and other people, petitions and get-togethers are strictly forbidden.
3. Traffic control measures will be implemented in the martial law enforces area. People and vehicles entering and going out of the area must go through formalities according to the regulations and receive security inspections.
4. Without permissions, foreigners are not allowed to enter the martial law enforced area. Foreigners who are now in the martial law enforced area must leave within a definite time, except those who have permissions.
5. Firearms and ammunition possessed illegally should be taken over. People who are not entrusted with the task of enforcing the martial law are not allowed to carry firearms and ammunition and other dangerous articles.
6. Public security organs and people entrusted with the task of enforcing the martial law have the right to search the riot-creating suspects and places where criminals are possibly hidden.
7. Those who resist to carry out the martial law and instigate others to do the same will be severely punished according to the law.

Dorjie Ceiring
Chairman of the People's Government
of the Tibet Autonomous Region

Order No. 2 of the People's Government of the Tibet Autonomous Region
(March 7, 1989)

In order to safeguard the unity of the motherland, ensure the safety of citizens and personal property and protect public property from violation, the People's Government of the Tibet Autonomous Region specially issues the following orders:

1. It absolutely bans anyone in any case and in any form to instigate split of the

country, create riots, group people to attack government offices, damage public property and undertake such sabotaging actions as fighting, smashing, robbing, and arson, etc.

2. Once the above-mentioned action happens, public security and police force and the PLA men on patrol have the right to take necessary and strong measures to put the action down at once. Those who make above-mentioned action will be detained right on the spot, and if resistance occurs, police and armymen on duty can deal with them according to the law.

3. Any government institutions, units, mass organizations and citizens must immediately send criminals either found in operation or detected afterwards to judicial organs.

4. The judicial organs should make investigations of the crimes as soon as possible, handle cases without delay and give them heavy punishment in accordance with relevant decisions and articles of "The Decision of the Standing Committee of the National People's Congress on Heavy Punishment to Criminals Who Seriously Violate Public Security" and "Criminal Law."

Dorjie Ceiring
Chairman of the People's Government
of the Tibet Autonomous Region

Order No. 3 Of the People's Government of the Tibet Autonomous Region

(March 7, 1989)

In accordance with the martial law of the State Council, the People's Government of the Tibet Autonomous Region has decided that traffic control will be enforced during the time of martial law. It specially issues the following orders:

1. All kinds of motor-driven vehicles can not pass without the special permit or provisional passes issued by the traffic police brigade of the Lhasa Public Security Bureau. The persons who have the provisional pass must go through the designated way and within the fixed time.

2. Cadres, staff members must have identity cards or certificates issued by their units; the officials and soldiers of the People's Liberation Army and the police force must have armyman's permits; the officials and soldiers of the public security departments must have employee cards or the identity cards on patrol duty; students in schools must have their students identity cards or school's certificates; those without jobs must have their resident identity cards or their certificates issued by the household committees or relevant organs; those from out of Lhasa must have temporary residence certificates; monks and nuns must have the certificates issued by the democratic management committees of their monasteries; the preschool children should move about with adults.

3. All kinds of motor-driven vehicles on entering the martial law enforced area must show the certificates issued by the People's Government of county level or above, and apply for provisional passes. Persons from out of Lhasa on entering the martial law enforced area must have certificates issued by the People's Government of county level or above and must go through formalities for temporary residence within 5 hours after entering the area; cadres, workers and staff members of the Tibet Autonomous Region back from holidays and official business can enter the area with certificates which establish their identities.

4. Motor-driven vehicles and persons leaving the martial law enforced area must be approved by leaders of county level or above and have their unit's certificates.

5. Motor-driven vehicles and persons passing within the martial law enforced area or entering and going out of the area must receive security inspection by police and armymen.

6. If any persons violate the above-mentioned orders, the people on patrol duty have the right to examine them according to the different cases, adopt mandatory measures on the spot, and even look into responsibility for a crime.

Dorjie Ceiring
Chairman of the People's Government
of the Tibet Autonomous Region

Order No. 4 of the People's Government Of the Tibet Autonomous Region

(March 8, 1989)

In order to ensure the security of aliens in the martial law enforced area the People's Government of the Tibet Autonomous Region issues the following orders:

During the time of the enforcement of the martial law in Lhasa City, aliens must not enter the area without permission. Aliens now in Lhasa must observe "martial law" issued by the State Council of the People's Republic of China and Orders of the People's Government of the Tibet Autonomous Region.

Foreign guests to Lhasa invited by the People's Government of the Tibet Autonomous Region and by other government organs must show "the Pass of the People's Republic of China" (which is called "Pass" for short below) issued by the Foreign Affairs Office of the People's Government of the Region when entering and going out of the area.

Foreign specialists and foreign staff members of joint ventures working in Lhasa must show "Pass" issued by public security authorities when entering and going out of the area.

Aliens who have obtained the right of residence in Lhasa must show valid residence identity cards when entering and going out of the area.

Foreign tourist groups organized by tourist agencies now staying in the region can enter and go out of the area only if they are accompanied by Chinese guides with "Pass" issued by the public security authorities.

Unorganized foreign tourists now staying in Lhasa must leave in the time fixed by the public security authorities.

"The Pass" will be obtained at the Foreign Section of the Lhasa Public Security Bureau with "Residence Identity Card for Alien" issued by the public security authorities.

Dorjie Ceiring
Chairman of the People's Government
of the Tibet Autonomous Region

Order No. 5 of the People's Government of the Tibet Autonomous Region

(March 8, 1989)

In order to fully reflect the policy of "leniency towards those who confess their crimes and severe punishment to those who refuse to do so, atone for a crime by good deeds and render outstanding service to receive awards," and to resolutely crack down the separatists and those who have committed serious crimes of fighting, smashing, robbing, and arson, the People's Government of the Tibet Autonomous Region has issued the following orders:

Those who have plotted, created and participated in the riots, who have committed fighting, smashing, robbing, and arson, and who have given shelters to criminals and booty, must surrender themselves to the police at once, so that they can receive leniency.

Those who know the facts of separatists' activities and crimes of fighting, smashing robbing and arson etc. should expose and report the cases to their units or to the public security authorities. These people should be protected. Those who retaliate against people who inform against them shall be severely punished.

Dorjie Ceiring
Chairman of the People's Government
of the Tibet Autonomous Region

Order No. 6 of the People's Government of the Tibet Autonomous Region

(March 8, 1989)

All the people on patrol from the public securities, the police force and the People's Liberation Army must strictly keep discipline in order to fulfil every task under the martial law. The People's Government of the Tibet Autonomous Region issues the following orders:

1. Obey orders in all actions.
2. Stand fast at posts, and perform obligation faithfully.
3. Strengthen unity and cooperate closely.
4. Carry out policies firmly and patrol in a proper way.
5. Implement strictly "The Regulations for the Use of Weapons and the Police Instruments by the People's Police."
6. Protect earnestly the public property and the life and the property of the people.

Dorjie Ceiring
Chairman of the People's Government
of the Tibet Autonomous Region